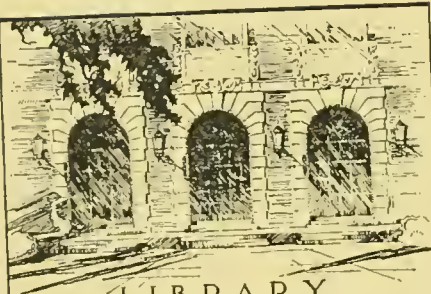


Il6
1870V5

ILLINOIS--CONSTITUTION
THE CONSTITUTION OF
ILLINOIS.

ILLINOIS HISTORICAL SURVEY

ILLINOIS HISTORICAL SURVEY



LIBRARY
OF THE
UNIVERSITY
OF ILLINOIS

342.7731

IL 6

1870 V5

ILLINOIS HISTORICAL SURVEY

ILLINOIS HISTORICAL SURVEY

ILLINOIS HISTORICAL SURVEY



THE CONSTITUTION OF ILLINOIS

simplified and explained



THE FLAG OF THE UNITED STATES OF AMERICA

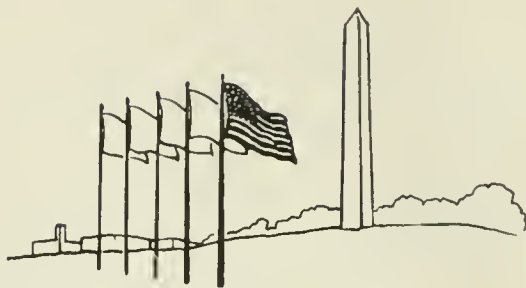
PROPER USE AND DISPLAY

It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flag-staffs in the open, but it should not be displayed on days when the weather is bad.

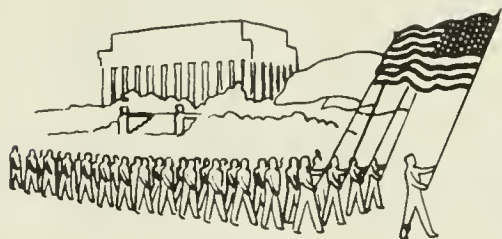
The flag should be hoisted briskly and lowered ceremoniously.

The flag should be displayed on all days when the weather permits; especially on national and state holidays and such days as may be proclaimed by the President of the United States. On Memorial Day the flag should be half staffed at noon.

The flag should be displayed daily, weather permitting, on or near the main administration building of every public institution; during school days in or near every schoolhouse, and in or near every polling place on election days.



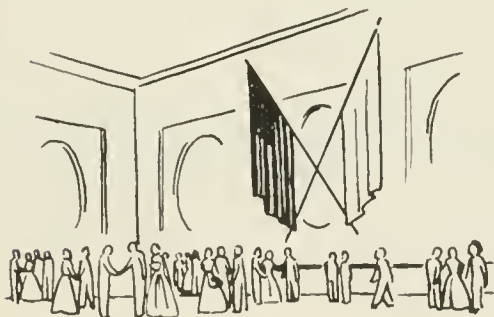
When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.



The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line. The flag should not be displayed on a float in a parade except from a staff, or so suspended that its folds fall as free as though the flag were staffed.



The flag of the United States should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.



The flag of the United States, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.



When flags of states, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the right of the flag of the United States.

by ROLLIN BENNETT POSEY



THE CONSTITUTION OF ILLINOIS

simplified and explained

ROW, PETERSON AND COMPANY Evanston, Illinois



1955

Copyright, 1955, by Row, Peterson and Company
International and Imperial Copyright secured.
All rights reserved for all countries, including the right of translation.
Printed in the United States of America

4785

272 7881
186
187 183

The illustrations that decorate the pages of this book are the work of Franklin McMahon, who traveled throughout the state to sketch people and places. In his drawings of Illinois past and present, he has captured the spirit of the state, its color and variety.



FOREWORD TO THE TEACHER

The Constitution of the state of Illinois is written in the language of lawyers. It is full of legal phrases and clauses. While this style of writing is all right for attorneys and courts, it makes many parts of the Constitution hard for the layman to understand.

This book has a single objective: to present the Constitution in clear and simple language that everyone can understand.

Each page is divided into three columns. The first column contains the Constitution exactly as written. The second column contains a paraphrase of the Constitution, in easy words and phrases, in short sentences shorn of complex clauses. The third

column contains notes and definitions. Unusual words and phrases, for which there are no simple synonyms, are explained. Background information is supplied where the provisions need background material to be fully understood.

The Illinois Constitution is a vital document. It is the foundation upon which all government in Illinois rests, except, of course, in those areas in which state government is dependent upon the national government. A study of the Illinois Constitution will prove rewarding and interesting. To learn its contents, furthermore, is a service to our democracy.

THE AUTHOR

INTRODUCTION

The First Constitution of Illinois

In the beginning, Illinois was part of the Northwest Territory. The Northwest Territory covered what is now the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. Two of these states preceded Illinois in entering the Union. Ohio became a state in 1803, and Indiana in 1816.

From 1809 to 1818, Illinois was a separate territory. It was under the national government in Washington, and it had no government of its own. The people of Illinois did not like this long-range control. Other people did not like it either; not many of them moved into Illinois. People did not want to move into a territory from a state, because they would lose some of their rights, including the right to vote for President and for Congressmen.

The people of Illinois Territory applied to Congress for permission to become a state. In April, 1818, Congress passed a law permitting the people of the Illinois Territory to elect thirty-three men to write a constitution for Illinois. If the constitution was approved by the people of the territory and by Congress, either the President or Congress would proclaim Illinois a state.

The thirty-three men met in Kaskaskia, Illinois, in August, 1818. They wrote a constitution. A constitution is a paper that tells what a government is to be and what it has the power to do. Each of the forty-eight states has a written constitution.

The Illinois Constitution was approved by the people of the territory and then sent to Congress.

Congress looked it over and said that it was all right. Illinois was admitted as the twenty-first state in the Union on December 3, 1818.

Kaskaskia no longer exists. The town was on a point of land where the Kaskaskia River joins the Mississippi River, about fifty miles south of St. Louis. A flood in 1898 swept Kaskaskia away. The Mississippi now flows where the city was.

The Second Constitution of Illinois

As a state, Illinois grew so fast that people felt a new Constitution was needed. In 1847 a group of men was elected to write a new Constitution. They met in August, 1847, and the Constitution they wrote went into effect in 1848.

Several parts of this second Constitution went out of date at the end of the War between the North and the South. These parts referred to slaves coming into Illinois from the slave states. The people of Illinois wanted to write a new Constitution to remove the out-dated sections.

The Present Constitution of Illinois

A third group of men was elected in 1869 to write a third Constitution for the state. They met in 1869 and 1870 and wrote a new Illinois Constitution. The voters of the state approved it in a special election held on July 2, 1870.

This third Constitution replaced the 1848 Constitution on August 3, 1870. It is the present Constitution of Illinois.

BIBLIOGRAPHY

Government for Americans, North Central Edition, by Rollin Bennett Posey and Albert George Huegli (Row, Peterson and Company, Evanston, Illinois). A general treatment of the Illinois Constitution may be found in Chapter 9. This book also describes the various subjects that should and should not be found in constitutions.

Illinois Blue Book, published every other year by the Secretary of State (Capitol Building, Springfield, Illinois). This reference volume has a number of articles about Illinois government. The *Blue Book* also contains the photographs and biographies of members of the General Assembly and important state officers.

Government in Illinois: State, County, Local, published in 1954 by the office of the Secretary of State. (Secretary of State, Capitol Building, Springfield, Illinois).

Illinois Voter's Handbook, by Helen Kingsley McNamara (League of Women Voters of Illinois, Chicago 1, Illinois). This voter's guide goes beyond the Constitution to present a brief and accurate summary of state and local government in Illinois.

GLOSSARY

Act, same as a law.

Adjourn, to stop meeting. This applies to legislatures.

Appeal, a written request to review a trial.

Appellate jurisdiction, the job of a court to review cases that have already been tried and decided.

Appropriation, a law setting up the amount of money the government may spend for a particular purpose.

Bail, security left with a court by an accused person to assure his appearance for trial.

Bill, a proposed law. Most bills fail to become laws; they are killed somewhere along the path whereby bills become laws.

Bill of rights, that part of a constitution in which the liberties and freedoms of the people are set forth.

Bribery, offering or giving a reward, usually money, to a government officer, to influence him to do something you want done.

Charter, corporation, the permit given a group to start a corporation. In Illinois corporation charters are issued by the Secretary of State.

Civil officer, a nonmilitary officer of government.

Committee of the whole, one house of a legislature acting as a committee so large that it includes all the members of the house.

Commutation, making punishment easier, as reducing the length of a prison term.

Constitution, a legal paper creating the structure of a government, giving powers to the government, and setting forth the relations between the people and their government.

Corporation, a group of persons doing business together under a single name.

Court of record, a court in which a complete and exact record is kept of everything said and done.

Cumulative voting, a method of voting in which each voter, who has more than one vote to cast, may put all his votes on one candidate, or divide them among a number of candidates, as he wishes.

Elector, a voter.

Eminent domain, the right to take privately owned land for public use. The owner must be paid a fair price for it, however.

Executive power, the power to carry out laws.

Fee, the charge made for a service performed by an officer of government.

Felony, a serious crime.

Habeas corpus, writ of, a court order requiring that a person be brought before the court right away, so that the judge can decide whether or not he is being held in jail lawfully.

House, either one of the two parts into which almost all legislatures are divided.

Impeach, to charge an officer of the government with having done something so bad that he should be removed from office.

Indictment, a written charge against a person, accusing him of having committed a crime, and telling him that he will have to stand trial for it. Indictments can only be voted by grand juries.

Item veto, the power of a governor to veto a single item in an appropriation law.

Journal, the daily record of the proceedings and acts of one house of a legislature.

Judicial power, the power to decide how the laws apply to people, and to judge whether people have followed the laws.

Law, a rule of conduct made by a legislature.

Legislature, an elected group who have the power to pass laws.

Levy taxes, to order that taxes be paid.

Municipal corporation, a city or village government. The term is also used for other kinds of local governments, such as school districts. Counties, however, are not municipal corporations, nor are townships.

Notary public, a person who has the power to swear people to tell the truth.

Original jurisdiction, the legal power to try cases for the first time, not review them on appeal.

Pardon, complete forgiveness for a crime. A pardoned person is as innocent as if never found guilty.

Perjury, swearing under oath that something is true, when you know that it is not true.

Probate court, a court that handles wills and property of persons who have died.

Reprieve, putting off the beginning of punishment.

Session, a meeting of a legislature.

Share of stock, a part of the ownership of a corporation.

Speaker, the chairman of the house of representatives.

Special assessment, a share of the cost of a local improvement. Special assessments, such as fees, take the place of taxes when the benefit is local.

Special law, a law referring only to a certain person, a particular place, a particular company or corporation.

Treason, helping a country against the United States.

Veto, the power of a governor to disapprove laws passed by a legislature.

Writ of error, a written request to put aside the result of a trial, based on the claim that a serious mistake was made in the trial.



*The Constitution
exactly as written*

Preamble

We, the people of the State of Illinois — grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations — in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity; do ordain and establish this constitution for the State of Illinois.

ARTICLE I

Boundaries

The boundaries and jurisdiction of the State shall be as follows, to-wit: Beginning at the mouth of the Wabash River; thence up the same, and with the line of Indiana to the northwest corner of said state; thence east with the line of the same state, to the middle of Lake Michigan; thence north along the middle of said lake to north latitude forty-two degrees and thirty minutes, thence west to the middle of the Mississippi River, and thence down along the middle of that river to its confluence with the Ohio River, and thence up the latter river along its northwestern shore to the place of beginning: *Provided*, that this State shall exercise such jurisdiction upon the Ohio River as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

*The Constitution
in easier words*

We who live in Illinois thank God for the freedoms he has allowed us to enjoy for so long a time. We want God to bless the things we do to keep our freedoms, including the writing of this Constitution for our state. This Constitution is written to give the people of Illinois a more perfect government, to see that everyone is treated fairly, to make sure of peace within the state, to provide for defending the state, to help people who need help, and to keep freedom for ourselves and for our children after us.

*Notes and
comments*

The preamble of a constitution explains the purposes for which it is written.



Indiana and Kentucky became states before Illinois did. Their boundaries were marked off before the boundaries of Illinois were decided upon. Where Illinois touches Indiana and Kentucky, the boundary lines of Illinois were set by Indiana and Kentucky, no matter what the Illinois Constitution may say about the matter.

Where the Wabash River is the boundary between Illinois and Indiana, the line goes along the middle of the river, just as the western boundary of Illinois goes along the middle of the Mississippi River. However, the boundary between Illinois and Kentucky does not follow the middle of the Ohio River: it goes along the north bank, as the north bank is at low water mark.

Although Illinois includes a pie-shaped piece of Lake Michigan, the lake is really under the control of the federal government.

ARTICLE II

Bill of Rights

1. **NATURAL RIGHTS.** All men are by nature free and independent, and have certain inherent and inalienable rights — among these are life, liberty and the pursuit of happiness.

To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

2. **DUE PROCESS.** No person shall be deprived of life, liberty or property without due process of law.

3. **RELIGIOUS FREEDOM.** The free exercise and enjoyment of religious profession and worship, without discrimination shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

4. **FREEDOM OF SPEECH AND PRESS.** Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

All people ought to have freedom and liberty. People have certain rights, and these rights must never be taken away from them. Among these rights are a person's life, the liberty to do what he wants to do, and the right to seek happiness. Governments are set up to make these rights safe, and to protect property, that is, the things that belong to a person. The powers that a government has, it has because the people have given it such powers in the Constitution.

A person may have his life, his freedom, or his belongings taken from him only by laws that have been made to apply to everyone alike.

Everyone shall always be free to worship in any way he pleases. No person shall be punished or lose any of his rights because of his religion. However, he may not use his religion as an excuse for refusing to take an oath to tell the truth, as a reason for breaking a law or for doing wrong, or as a reason for doing things against the peace or the safety of other people. No person may be forced against his will to attend, or give money to, a church. The government may not help, or give money to, one religion and not to others.

Every person may speak freely, write freely, and freely put his speeches and writings into print; but he must be careful not to harm others. When one person accuses another of hurting his good name by what he wrote, the author may not be punished if he can prove that what he wrote was true, and that he did it for good and honorable reasons.

The Illinois courts have said that a person's rights and liberties may be taken from him only when this is necessary for the good of everyone.

This sentence is taken from the Fifth Amendment to the federal Constitution. The courts have been working for a long time to explain exactly what this sentence means.

This section has two purposes. The first purpose is to make sure that every person may freely follow his own religion. The second purpose is to keep government from helping one religion and not others. Thus, in Illinois, the state government cannot support one church; it must help none or all.



The freedoms of speech and of the press do not go so far as to protect a speaker or writer who urges the people to break the law or to overthrow the government.

5. TRIAL BY JURY. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace by a jury of less than twelve men, may be authorized by law.

The right to be tried by a jury continues as it did before the present Constitution; but a law may be passed allowing a jury of fewer than twelve persons, in cases tried before justices of the peace where one person sues another.

The right of trial by jury includes (1) a jury of twelve, (2) jurymen from the neighborhood, (3) jurymen who have not made up their minds in advance, and (4) all twelve persons must agree as to the guilt or innocence of the person being tried.

The right to be tried by a jury is very old. It was started in English law more than 700 years ago.

6. SEARCHES AND SEIZURES. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavits, particularly describing the place to be searched, and the person or things to be seized

People may not be arrested or their things seized without reason. Their houses and papers may not be searched without reason. For an arrest or a search to be reasonable, a judge or justice of the peace must order it in writing. The order must name the person, describe the things, or give the address of the house, and it must tell the reason for ordering the arrest, seizure, or search.

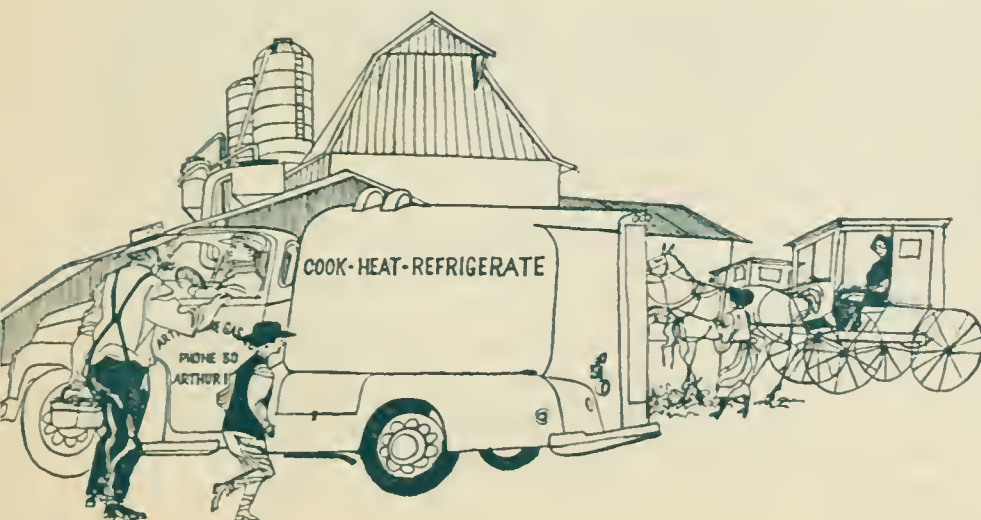
"Arrest warrant" or "search warrant" is the name for such an order. Arrests and searches may be made without a warrant if the police officer sees with his own eyes a crime being committed by a person, or a crime taking place in a house.

7. BAIL AND HABEAS CORPUS. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Persons accused of crimes may be let out of jail while they wait for their trials to take place, if they can leave enough bail with the court. A person accused of murder shall not be allowed to go free on bail if the facts against him are strong. Writs of *habeas corpus* should be allowed, except where there is an uprising against the government, or when an enemy invades the state.

Bail is money or belongings left with the court as a guarantee that the accused person will appear for trial. The money value of bail required depends upon the crime. A person accused of a serious crime must put up more bail than a person accused of a small crime. Sometimes a person who is free on bail runs away. The court then keeps the bail. To flee is to "jump bail."

A writ of habeas corpus is a court order requiring that a person be brought before the court right away, so that the judge can decide whether or not he is being held in jail lawfully. The purpose of writs of habeas corpus is to keep the police from holding persons in jail without a good reason for doing so. Without such a writ the police could pick up anyone and keep him in jail as long as they wished.



8. **INDICTMENT.** No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

9. **RIGHTS AFTER INDICTMENT.** In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury in the county or district in which the offense is alleged to have been committed.

10. **SELF INCRIMINATION AND DOUBLE JEOPARDY.** No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

11. **PENALTIES AFTER CONVICTION.** All penalties shall be proportioned to the nature of the offense; and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same.

12. **IMPRISONMENT FOR DEBT.** No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such a manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

No person may be tried for a crime unless he has been accused of it in writing by a grand jury. In cases of crimes so small that the punishment is a fine or a short term in jail, in cases of impeachment, or in cases arising in the military forces a grand jury indictment is not necessary. The legislature may pass a law doing away with grand juries.

At his trial, a person accused of a crime shall have the right to appear and defend himself and have a lawyer to defend him too. He must be given a copy of the indictment. Witnesses against him must tell their stories face to face before the defendant. Witnesses on his side must attend and give their stories, even if they do not want to do so. The trial must be speedy and public, with a fair jury. The trial must be held in the district or county where the crime is supposed to have taken place.

No person being tried for a crime shall be forced to give evidence against himself. No person shall be tried twice for the same crime.

The more serious the crime, the more severe the punishment shall be. The blood relatives of a guilty person shall not be punished, too. The property of a guilty person may not be seized as punishment. No guilty person may be taken out of the state as part of the punishment for a crime done within the state.

No person shall be put in prison because he does not pay his debts; unless he refuses to turn over his property to the people he owes, as provided by law; or unless it seems that he is unlawfully hiding part of his property.

A grand jury has twenty-three members. The agreement of twelve jurors is needed to vote an indictment, that is, a formal accusation of crime.

Read Article IV, Section 24, to learn what impeachment is.

The legislature has not done away with grand juries.

An indictment is a written charge against a person, accusing him of having committed a crime and telling him that he will have to stand trial for it. An accused person must be given a copy of the indictment well before the trial begins, so that he will have time to get ready to defend himself.

A defendant does not have to have a jury if he does not want one. He can agree to let the judge decide his case. This is called "waiving a jury."

A person who has been tried and found guilty may have a second trial if new evidence in his favor turns up. If he is again found guilty, the punishment given him must not be increased.

A guilty person may have to pay a fine as punishment for his wrong-doing. A person's property may be taken away from him if he got the property by committing a crime.

Centuries ago, imprisonment for debt was common. Anyone who could not pay his debts was treated as a criminal.

13. PRIVATE PROPERTY TAKEN FOR PUBLIC USE. Private property shall not be taken or damaged for public use without just compensation. Such compensation when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without the consent of the owners thereof, shall remain in such owners, subject to use for which it is taken.

14. EX POST FACTO LAWS; IMPAIRMENT OF CONTRACTS. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privilege or immunities, shall be passed.

Private property shall not be taken or damaged for public use without paying a fair price for it. The price shall be fixed by a jury, if the land is taken by a private company for public use. If a railroad company takes land for railroad tracks against the owner's will, the land must be returned to the owner if the railroad ever stops using it for tracks.

No law shall be passed that makes a crime of something that was not a crime when it was done. No law shall be passed that stops people from living up to their formal agreements. No law shall be passed that forever gives a special favor to anyone.



Taking land for public use is called the "right of the eminent domain." What happens in practice is that the land is bought from the private owner, and if he is not satisfied with the price offered, he goes to court where a jury fixes the sale price.

As an example of an ex post facto law, let us suppose that the legislature passed a law on June 10, 1955, that said it was a crime to destroy a television set, but that the law was to start on January 10, 1955, five months before the law was passed. Anyone who destroyed a television set between January 10 and June 10 broke this law, even though at the time it was not a crime to destroy a television set. For five months the law is an ex post facto law.

15. SUBORDINATION OF MILITARY POWER. The military shall be in strict subordination to the civil power.

Military forces shall always be subject to the control of civilian officers of the government.

If civilian officers always have authority over the military forces, there is no danger that the military forces will seize control of the government.

16. QUARTERING OF SOLDIERS. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

In time of peace, no soldier may be ordered to live in a house without the owner's permission. However, in time of war soldiers may be put in homes of civilians, if it is done according to law.

The quartering of soldiers was important on the frontier. A farmer would never know when a band of soldiers, chasing Indians, would demand food and shelter for the night. In the present day, soldiers are equipped with excellent cooking and sleeping equipment, and the quartering of troops is not a problem for civilians.

17. RIGHT TO ASSEMBLE AND PETITION. The people have a right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

The people may gather together in a peaceful manner, to talk about things of importance to all of them, to send their ideas to the elected officers of their government, and to ask such officers to set right any wrongs that have been done to the people.

People may not assemble to break a law or to overthrow the government by force. To permit such meetings would be to permit the abuse of the right to assemble and petition.

18. FREE ELECTIONS. All elections shall be free and equal.

An election is free where each voter is allowed to mark his ballot as he pleases. An election is equal where each vote counts the same as every other vote.



19. RIGHT TO REMEDY AND JUSTICE. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation; he ought to obtain, by law, right and justice freely and without being obliged to purchase it, completely and without denial, promptly and without delay.

The laws should provide remedies for people whose persons, property, or good names have been hurt or wronged. Under the laws, people should be able to receive justice quickly, completely, and without having to buy it.

This is a noble statement of one of the objects of the state law.

20. FUNDAMENTAL PRINCIPLES. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

It is necessary to think often of the basic ideas of civil government, in order to keep the blessings of liberty.

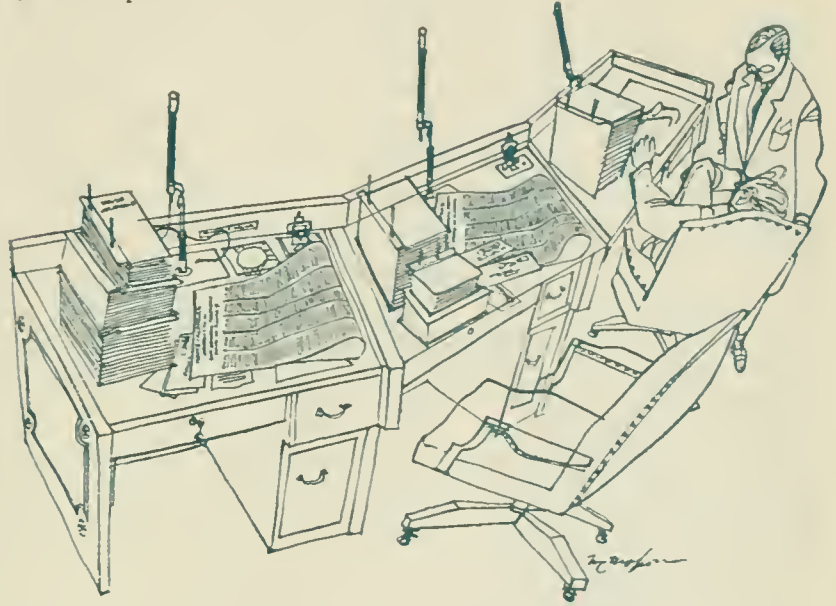
ARTICLE III

Distribution of Powers

The powers of the government of this State are divided into three distinct departments — the Legislative, Executive and Judicial; and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

The powers of the government of this state are divided into three departments — the legislative, executive, and judicial. No person whose work makes him a part of one of these departments may use a power belonging to either of the other departments, unless this Constitution clearly and in so many words permits it.

For the powers of the three departments, see articles IV, V, and VI. The idea of dividing the government into three branches came from the federal Constitution.



ARTICLE IV

Legislative Department

1. GENERAL ASSEMBLY. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives, both to be elected by the people.

The legislative power, that is, the power to pass laws, shall belong to a General Assembly. The assembly is to be made up of a senate and a house of representatives. Both senators and representatives are to be elected by the people.

The General Assembly is often called the legislature. The legislature can pass laws on any subject, unless the federal or state constitution says no. In section 22, for example, you can find many subjects upon which the legislature is not allowed to pass laws.

2. ELECTION OF MEMBERS. An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the Governor, or person exercising the powers of Governor, shall issue writs of election to fill such vacancies.

An election for members of the General Assembly shall be held on the Tuesday after the first Monday in November, 1870, and every two years afterwards. There shall be places to vote in each county, as set up by law. If a vacancy occurs in either the senate or the house, the governor shall decide when an election shall be held to fill the vacancy.

3. ELIGIBILITY FOR MEMBERSHIP. No person shall be a Senator who shall not have attained the age of twenty-five years, or a Representative who shall not have attained the age of twenty-one years. No person shall be a Senator or Representative who shall not be a citizen of the United States, and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, Secretary of State, Attorney General, State's Attorney, recorder, sheriff, or collector of public revenue, member of either House of Congress, or person holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the General Assembly: *Provided*, that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States, (except postmasters whose annual compensation does not exceed the sum of three hundred dollars) hold any office of honor or profit under the authority of this State.

4. DISQUALIFICATION FOR CRIME. No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office of profit or trust in this State.

To be a state senator, a person must be at least twenty-five years of age. To be a state representative, a person must be at least twenty-one years of age. To be either a state senator or a state representative, a person must (1) be a citizen of the United States, (2) have lived in Illinois for five years at least, and (3) have been living for the last two years in the district from which he is elected. The following persons may not be members of the General Assembly: a judge or clerk of any court, the secretary of state, the attorney general, a state's attorney, a recorder, a sheriff, a collector of taxes, members of Congress, or persons holding jobs for pay in the government of the United States, in the government of Illinois, or in a foreign government. However, officers in the National Guard, justices of the peace, and notaries public may be members of the General Assembly.

A person holding a job or office, either for pay or for the honor of it, in a foreign government or in the government of the United States, shall hold no office in the government of Illinois. This does not apply to postmasters getting less than \$300 per year.

A person who is found guilty of bribery, perjury, or other serious crime cannot be a member of the General Assembly or an officer of the state government. A person who has been collecting or holding taxes must turn in all such money, before he can become a member of the General Assembly or an officer of the state government.

A *notary public* is a person who has the power to swear people to tell the truth.

Note that this section sets up two lists: (1) what people may and may not be, if they want to become members of the General Assembly, and (2) what offices people may not hold if they want to hold any office in the government of Illinois.

Bribery is offering or giving a reward, usually money, to a government officer, to get him to do something you want him to do. *Perjury* is swearing that something is true when you know that it is not; it is a lie under oath.

Suppose that a person who used to be a tax collector is elected to the General Assembly. If there is any doubt about whether he has turned in all the taxes he received, a court must decide the question. Without a court decision against him he cannot be refused his seat.

5. OATH OF OFFICE. Members of the General Assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and will faithfully discharge the duties of Senator (or Representative) according to the best of my ability; and that I have not, knowingly or intentionally, paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company or person, for any vote or influence I may give or withhold on any bill, resolution or appropriation, or for any other official act."

This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected, and the Secretary of State shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to, or of violating, his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

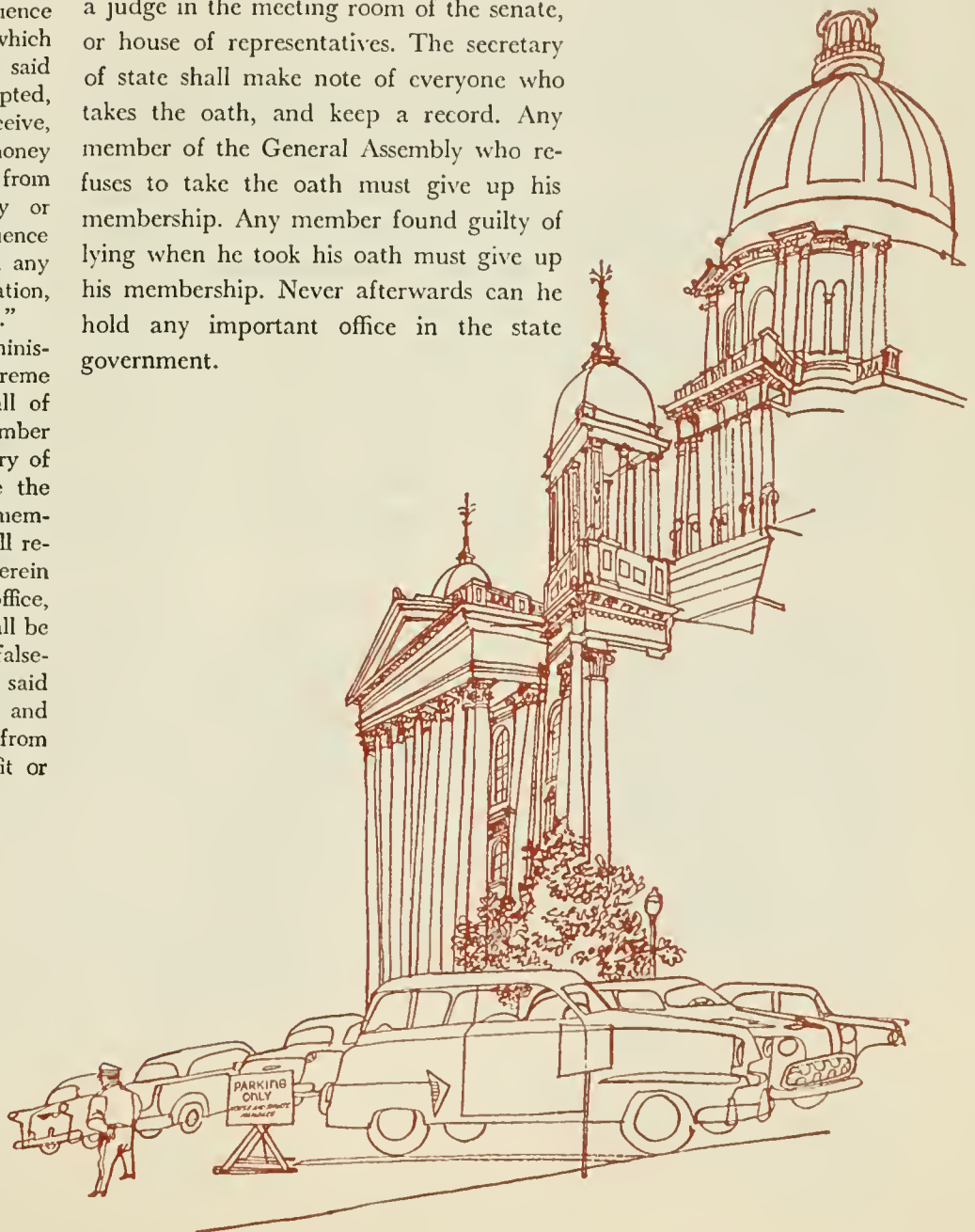
Members of the General Assembly must make a promise before they can start their work. The promise they make has this meaning.

"I promise that I will uphold the Constitution of the United States and the Constitution of the state of Illinois; that I will do my work as senator (or representative) as best as I know how; that I made no secret promises in my election to get people to vote for me; that I have not taken a bribe from anyone, and I will not take a bribe."

The oath (promise) shall be given by a judge in the meeting room of the senate, or house of representatives. The secretary of state shall make note of everyone who takes the oath, and keep a record. Any member of the General Assembly who refuses to take the oath must give up his membership. Any member found guilty of lying when he took his oath must give up his membership. Never afterwards can he hold any important office in the state government.

See Section 4, just above, to check the meaning of bribe.

The religion of some people keeps them from taking an oath. They look upon an oath as taking the Lord's name in vain. So they are allowed to say "I affirm" — which means "I promise" — rather than "I swear."



6. SENATORIAL APPORTIONMENT. The General Assembly in 1955 shall redistrict the state for the purpose of electing state senators. There shall be fifty-eight senatorial districts. Cook county shall have twenty-four of the districts. These twenty-four districts shall be located as follows: Eighteen in the territory that is within the present corporate limits of the city of Chicago; and six in the territory that is in Cook county outside such corporate limits. The remaining one hundred and one counties of the state shall have thirty-four of the senatorial districts.

All senatorial districts shall be formed of contiguous and compact territory. In their formation, area shall be the prime consideration.

The senatorial districts shall be numbered one, two, three, and so forth, including fifty-eight. Each such district shall elect one senator, whose term of office shall be four years. Senators elected in districts bearing even numbers shall be elected in 1956 and every four years thereafter; and senators elected in districts bearing odd numbers shall be elected in 1958 and every four years thereafter.

7. REPRESENTATIVES. The General Assembly in 1955 and in 1963, and every ten years thereafter, shall redistrict the state for the purpose of electing state representatives. There shall be fifty-nine representative districts. In the 1955 redistricting Cook County shall have thirty of the districts. These thirty districts shall be located as follows: Twenty-three in the territory that is within the present corporate limits of the City of Chicago; and seven in the territory that is in Cook County outside such corporate limits. In the 1955 redistricting, the remaining one hundred and one counties of the state shall have twenty-nine of the representative districts.

The General Assembly in 1955 shall divide the state into a new set of districts called senatorial districts. There shall be fifty-eight such districts. Cook County shall have twenty-four of them. Chicago shall have eighteen of the twenty-four. The part of Cook County outside Chicago shall have six. There are one hundred one counties in Illinois besides Cook County, and these one hundred one counties shall be grouped into thirty-four senatorial districts.

Each senatorial district shall be made of territory lying close together. As nearly as possible, the districts shall be equal in size, no matter how many people live in them.

The senatorial districts shall be given numbers from one through 58. In each district, the voters elect one senator, and he shall hold office for four years. Senators elected in districts numbered 2, 4, 6, 8, 10, 12, and so on (the districts with even numbers) shall first be elected in 1956, then every four years. Senators elected in districts numbered 1, 3, 5, 7, 9, 11, and so on (the districts with odd numbers) shall first be elected in 1958, then every four years.

In 1955 and 1963, and every ten years after 1963, the General Assembly shall divide the state into a new set of districts called representative districts. There shall be fifty-nine such districts. In making the 1955 districts, Cook County shall have thirty of them. Chicago shall have twenty-three of the thirty. The part of Cook County outside of Chicago shall have seven. The one hundred one counties in Illinois besides Cook County shall have twenty-nine representative districts.

This section, and sections 7 and 8, are new. They are the eleventh amendment to the Constitution. The General Assembly in June, 1953, agreed to give the voters of Illinois a chance to vote on these new sections. The voters approved them on November 2, 1954. Thus old sections 6, 7, and 8 were thrown away and the new sections took their places.

In times past, some legislatures have made some funny-looking districts. They have not made districts of territory lying close together.

Half the membership of the senate is elected every two years, even though each senator is elected every four years. This method of electing only half the membership of the senate at one time is known as "overlapping terms." At least one half of the senate membership has had experience. Note that the senatorial districts, once made, stay the same; they do not change.

While senatorial districts stay the same, the map of representative districts is to be redrawn every ten years. The map is redrawn to try to keep representative districts as nearly equal in population as possible. Population changes are recorded every ten years by the United States Census.

Note that the total number of representative districts stays at fifty-nine even though the lines of the districts may change.

In redistricting subsequent to the 1960 census, and thereafter, the fifty-nine representative districts shall be divided among (1) that part of Cook County that is within the present corporate limits of the City of Chicago, (2) that part of Cook County that is outside such corporate limits, and (3) the remaining one hundred and one counties of the state, as nearly as may be, as the population of each of these three divisions bears to the total population of the state.

Representative districts shall be formed of contiguous and compact territory, and shall contain, as nearly as practicable, a population equal to the representative ratio; outside of Cook county, such districts shall be bounded by county lines unless the population of any county entitles it to more than one representative district. The representative ratio for the entire state shall be the quotient obtained by dividing the population of the state by fifty-nine. No representative district may contain less population than four-fifths of the representative ratio.

Three representatives shall be elected in each representative district in 1956 and every two years thereafter. The term of office shall be two years. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit; and the candidates highest in votes shall be declared elected.

In setting up new districts in 1963 and every ten years after, there shall always be a total of fifty-nine districts, but the fifty-nine districts shall be divided into three sets: (1) districts in Chicago, (2) districts in Cook County outside Chicago, and (3) districts in the remaining one hundred one counties in Illinois. Each of the three areas shall have as many districts out of the total of fifty-nine, as the population of the area bears to the total population of the state.

Each representative district shall be made of territory lying close together. As nearly as possible, the districts shall be equal in population. To check this, the population of the whole state is divided by fifty-nine. The quotient is called the *representative ratio*. No representative district may have a population less than eighty per cent of the *representative ratio*. Outside Cook County, district boundary lines shall follow county boundary lines. However, if a county has a population so big that it may have two or more representative districts, the county may be divided to make the districts.

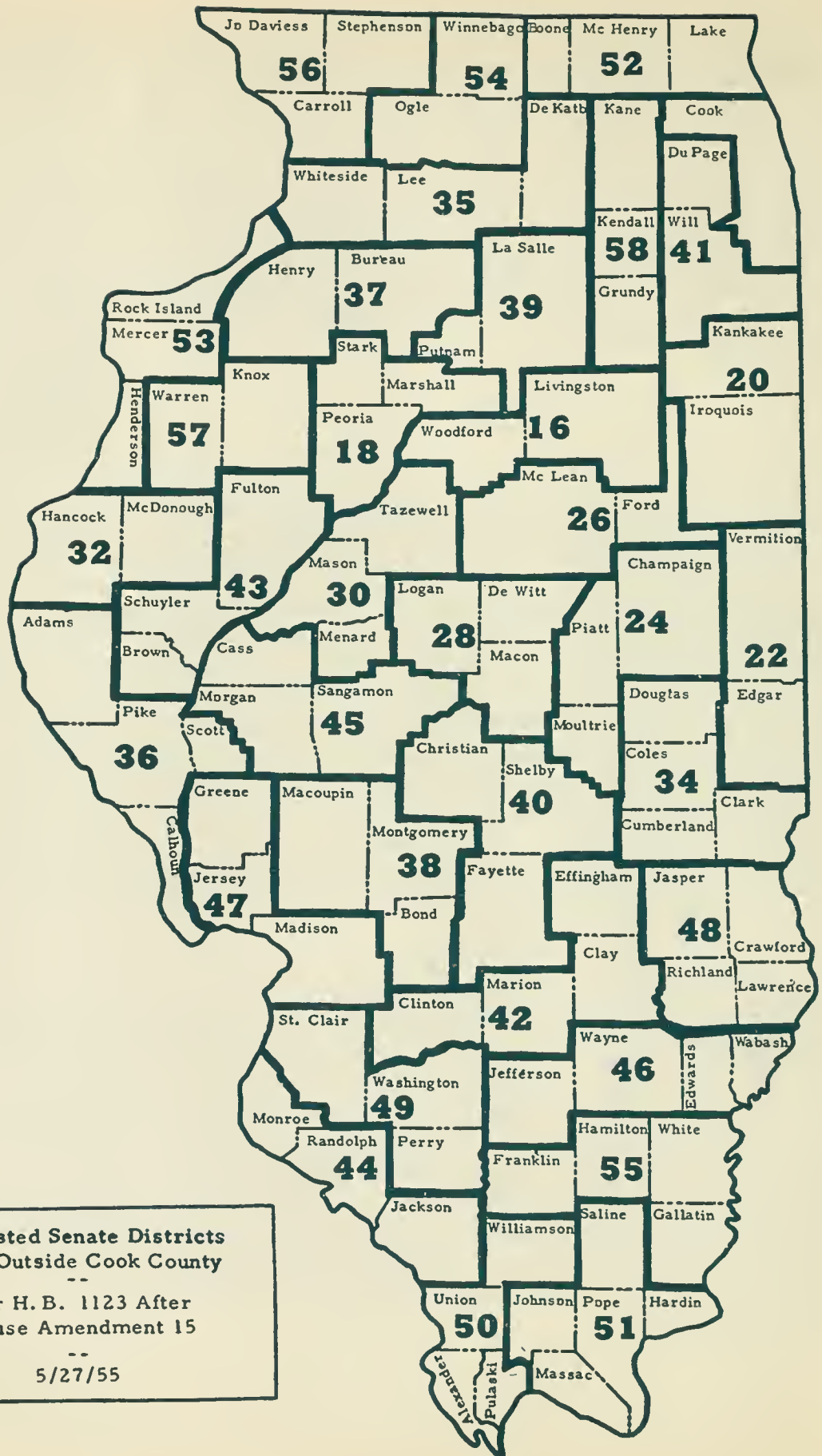
Three representatives shall be elected in each representative district in 1956 and every two years afterward. Thus, representatives are elected for two years. In voting for representatives, each voter has three votes. He may cast one vote for each of three candidates; he may cast three votes for one candidate; or he may cast one and one-half votes for each of two candidates. The three candidates with the biggest vote totals shall be elected.

The representative districts should be as nearly equal in population as possible, and they must be given to Chicago, Cook County outside Chicago, and downstate Illinois in ratio of population. Suppose that Chicago has a population of 3,500,000, Cook County outside Chicago 1,000,000, and downstate Illinois 4,000,000. With a total of fifty-nine districts, Chicago would have twenty-five districts, Cook County outside Chicago would have 7, and downstate Illinois would have twenty-seven. This is a good problem in arithmetic; work it out for yourself.

Suppose that Illinois has a population of 8,850,000. The representative ratio would be exactly 150,000. No representative district could have less than eighty per cent of this or 120,000 people.

Note that representative districts are based on equal population, while senatorial districts are based on equal area. As long as Cook County has more than half the population of Illinois it will have more than half the representatives. But Cook County can never have more than half the senators.

This method of voting is called "cumulative voting." It is found only in Illinois. It was put into the 1870 Constitution by Joseph Medill, a leading member of the group who wrote the Constitution. The purpose of cumulative voting is to prevent any political party from capturing all three representatives in a district.



**Suggested Senate Districts
State Outside Cook County**

Per H. B. 1123 After
House Amendment 15

5/27/55

Senate Districts
Cook County Outside Chicago
Per H. B. 1123
6/2/55

MC HENRY
COUNTY

LAKE
COUNTY

COUNTY

BARRINGTON

3

PALATINE

WHEELING

NORTHFIELD

4

NEW
TRIER

KANE COUNTY

HANOVER

SCHAUMBURG

ELK GROVE

MAINE

NILES

EVANSTON

DU PAGE COUNTY

LEYDEN

1

RIVER
FOREST

PROVISO

RIVER
SIDE

BERWYN

CICERO

STICKNEY

DU PAGE
COUNTY

2

WILL

LEMON

PALOS

WORTH

ORLAND

6

BREMEN

THORNTON

8

COUNTY

RICH

BLOOM

STATE OF INDIANA

29

10

27

33

25

21

31

7

23

9

11

14

12

15

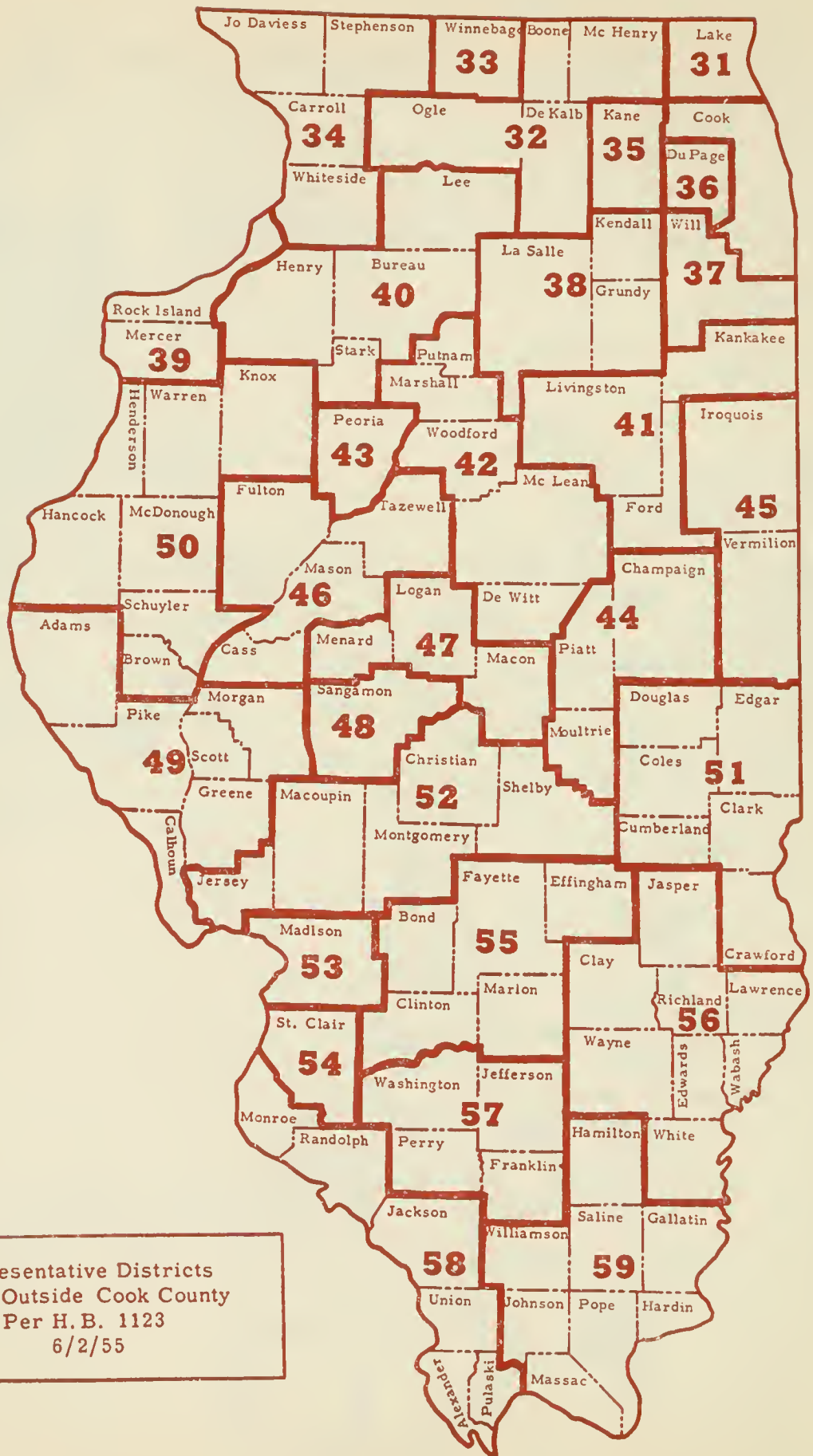
5

19

17

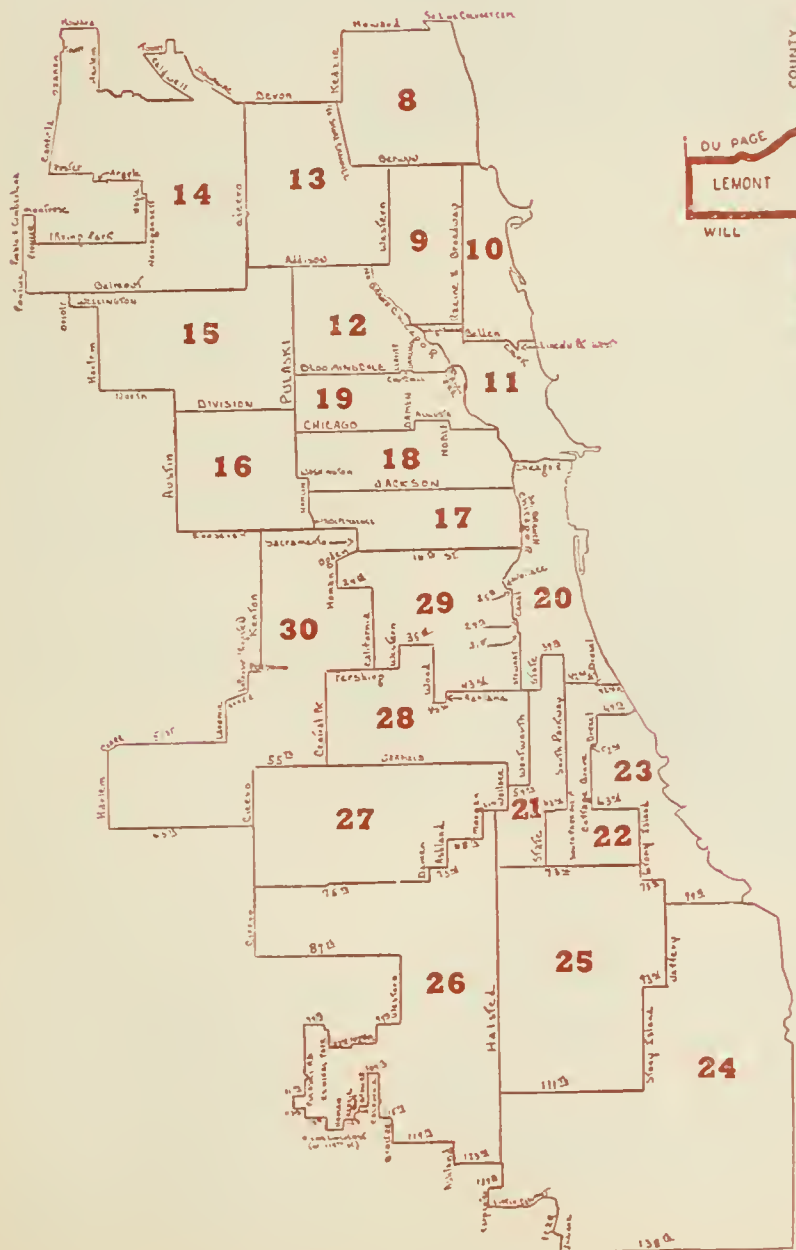
13

Senate Districts
City of Chicago
Per H. B. 1123
6/2/55



Representative Districts
State Outside Cook County
Per H.B. 1123
6/2/55

Representative Districts
Cook County Outside Chicago
Per H. B. 1123
6/2/55



Representative Districts
City of Chicago
Per H. B. 1123
6/2/55

8. REDISTRICTING. In performing its duties under Sections 6 and 7 of this amendment, the General Assembly shall redistrict and reapportion in a single legislative enactment. If, however, the regular session of the General Assembly in 1955 as to both senatorial and representative districts or in 1963, or any ten years thereafter as to representative districts, fails by the first day of July to redistrict the state into such districts, then the redistricting shall be accomplished by a commission. Within thirty days after such first day of July, the state central committee of each of the two political parties, casting the highest votes for governor at the last preceding gubernatorial election, shall submit to the governor of the state a list of ten persons. Within thirty days thereafter, the governor shall appoint the commission of ten members, five from each list. If either of the state central committees fails to submit the list within the specified time, the governor, within the specified time, shall appoint five members of his own choice from the party of such committee. Each member of the commission shall receive \$25 a day, but not more than \$2,000 for his service.

This commission shall redistrict the state into senatorial districts and into representative districts in the manner specified above. This commission shall file with the secretary of state a full statement of the numbers of the senatorial and representative districts and their boundaries. No such statement shall be valid unless approved by seven members of such commission.

It is the job of the General Assembly to make the senatorial districts in 1955, and to make and remake the representative districts in 1955, 1963, and every ten years afterward. The General Assembly must finish the job by July first. If the General Assembly fails to do its job by then, a commission shall do it. Within thirty days after July first, the leaders of each of the two largest political parties shall give to the governor a list of ten persons. Within thirty days, the governor shall choose a commission of ten members, five from each list. If the leaders of either party fail to send in their list of ten persons, the governor may choose any five members of that political party. Each member of the commission shall get twenty-five dollars a day, but no more than two thousand dollars in total.

This commission shall make or remake the districts. It shall report the districts it has made, with district numbers and boundary lines, to the secretary of state. Seven of the ten members must agree on the report.

A commission makes the districts if the legislature fails to do so by July first.

Seven out of ten is more than a simple majority.

After such statement is filed, senators and representatives shall be elected according to the statement and the districts therein determined, until a re-districting and reapportionment are thereafter made by the General Assembly as provided in this amendment. If, however, the statement is not filed within four months after the commission is appointed it shall stand discharged. Thereupon, all senators, scheduled for election at the next election for state senators, and all state representatives shall be nominated and elected at the next election from the state at large. Following such an election at large, the General Assembly at its next regular session shall perform the duties specified in this amendment. But if such a General Assembly fails to perform these duties, then another commission, as specified in this Section 8, shall be appointed in like manner, with like duties, and power, and with like effect: and so forth until a valid senatorial and representative redistricting and reapportionment are secured in this 1950 decade and each decade thereafter. But there can be only one valid senatorial and representative redistricting and reapportionment during a particular decade.

At the next election, senators and representatives shall be elected by the new districts. If the commissioners cannot agree on a report within four months, the commission shall quit. The state shall become one big district, and all senators and representatives shall be elected from the entire state. The next General Assembly, however, shall have a chance to redraw the districts. If it fails to do so by July first, another commission shall be chosen in the same way as the first commission. If it fails to agree on new districts within four months, it shall quit, and senators and representatives shall again be elected from the whole state. The steps shall be taken, again and again every two years if need be, until the districts are redrawn.

The chance of all this delay is small. No legislature would want to turn the job of re-districting over to a commission. No commission would like to see the members of the legislature elected from the state at large.

Before this amendment to the Constitution, the Constitution required the General Assembly to make new districts every ten years. But if the Assembly failed to act, nothing happened. The General Assembly redrew the districts in 1903, but it failed to do so in 1913, 1923, 1933, 1943, and 1953. Under the new emendment, failure to redistrict can no longer happen.



9. TIME OF MEETING. The sessions of the General Assembly shall commence at twelve o'clock noon, on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this Constitution.

Meetings of the General Assembly shall begin at 12 o'clock noon on the Wednesday after the first Monday in January following the election of the members. Meetings may begin at no other time, unless the Constitution allows it.

The Constitution allows the governor to call a special session (meeting) in an emergency. See Article 5, Section 8.



GENERAL RULES. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members; shall choose its own officers; and the Senate shall choose a temporary President to preside when the Lieutenant Governor shall not attend as President or shall act as governor. The Secretary of State shall call the House of Representatives to order at the opening of each new Assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person, not a member, who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

In each house a majority of the members must be present for the house to do business. Each house shall make its own rules of order. Each house shall decide whether its members have been lawfully chosen, and whether they meet the conditions of membership. Each house shall choose its own officers, and the senate shall choose an acting chairman to act when the lieutenant governor is not there. The secretary of state shall serve as acting chairman of the house of representatives when it opens its meeting in January, until the house picks a chairman of its own. A two-thirds vote is necessary for either house to expel one of its members. No member may be expelled twice for one wrong deed. Each house has the power to put in prison for twenty-four hours any person not a member who is guilty of disorderly or scornful behavior toward it. But no such person may be kept in prison longer than twenty-four hours, unless he keeps on being disorderly or scornful.

In the Illinois legislature, as in most state legislatures, a quorum is a majority of the members. Exactly how many is a quorum in the Illinois senate? In the house of representatives? How many is a two-thirds vote in the senate? In the house? Sharpen your pencils!

It has been many years since either house of the General Assembly has expelled one of its members. Neither house has ever put in prison a person who has been disorderly or scornful toward it. If a visitor started to make a scene in the visitors' gallery, he would be quietly taken away by the police who are always on guard under the direction of the sergeant at arms. There is a sergeant at arms in both the house and the senate.

10. OPEN SESSIONS; ADJOURNMENT; JOURNALS. The doors of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the Senate at the request of two members, and in the House at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journals.

11. ENACTING A CLAUSE. The style of the laws of this State shall be: "*Be it enacted by the People of the State of Illinois, represented in the General Assembly.*"

12. ORIGIN OF BILLS. Bills may originate in either house, but may be altered, amended or rejected by the other; and on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house.

Meetings of each house shall be open to the public, unless a house is talking about something that, in their opinion, requires secrecy. Neither house shall take a recess longer than two days without the permission of the other house. Neither house shall move the place where it is meeting without the permission of the other house. Each house shall keep a journal, and the journal shall be published. The names of members voting yes and no in any vote shall be put in the journal, if any two senators ask for it in the senate, or if any five representatives ask for it in the house. Any two members of either house have the right to object to any act of the house, if they think that it is harmful to the public or to any person. The reasons why they object shall be put in the journal.

Every law must start with: "*Be it enacted*"

A bill may be started in either the senate or the house of representatives. If a bill is started in one house, it may be changed by the other house in any way it pleases; the bill may even be defeated. The names of members voting yes and no in the last vote on each bill shall be put in the journal. For a bill to become a law, more than half the members elected to each house must vote for it.

The *journal* is the daily record of what each house does. A *committee of the whole* is either house acting as a committee that includes all the members of that house.

The purpose of starting every law this way is to make sure that the General Assembly is reminded that their powers come from the people. The General Assembly acts for the people.

A *bill* is a proposed law. If one house changes a bill passed by the other house, the house that started the bill must agree to the change; otherwise the bill is lost. In other words, a bill must be passed by both houses in **EXACTLY** the same form, right down to each comma and period.

Most bills started in one house or the other of the Illinois Legislature never get to be laws. They are defeated.

13. **PASSING BILLS.** Every bill shall be read at large on three different days, in each house; and the bill and all amendments thereto shall be printed before the vote is taken on its final passage; and every bill, having passed both houses, shall be signed by the Speakers thereof. No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the General Assembly shall take effect until the first day of July next after its passage, unless, in case of emergency, (which emergency shall be expressed in the preamble or body of the act), the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

In each house, each bill shall be read out loud, and voted on, three times on three different days. Before the last vote on a bill is taken, it shall be printed in its final form. Each bill that has passed both houses shall be signed by the chairman of each house. No law may cover more than one subject, and the subject must be part of the title of the law. If part of a law covers a subject not in the title, that part is void, meaning without effect. No law can be changed except by passing the law again, complete with changes. Each law takes effect on the July first following the date the law was passed. If a law is an emergency law (and it says so right within it) it will go into effect at once; but to do so, the General Assembly must vote for it by a two-thirds majority in each house.



14. **PRIVILEGES OF MEMBERS.** Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

While the General Assembly is meeting, or when members are going to and from meetings of the General Assembly, senators and representatives may not be arrested — except for treason, felony, or breaking the peace. Members of the General Assembly may not be punished in any way for what they say in their meetings.

The word “act” as used in this section means law.

The “three-day” rule was set up to be sure that no law could be rushed through the legislature. The “reading aloud” rule was set up to be sure that each member of the legislature would know what he was voting on. The “printing” rule was set up to be sure that each member knew the exact form of a law, before his last chance to vote on it. The “one-subject” rule was set up to stop anyone from slipping through a change on one subject, by tacking it on the end of a long bill on another subject. The “subject in title” rule has about the same purpose. The “complete law” rule was set up so that the whole idea of a bill could be gotten just by reading it; it would not be necessary to read an existing law to find out what the bill really means.

The “July first” rule causes the Illinois legislature to wind up its work before July first. Any law passed after that date would have to wait nearly a year to go into effect, unless it were an emergency law.

Actually, no formal vote is taken on the first reading. The first reading is considered to have been met by printing the bill. Votes are taken after the second and third readings.

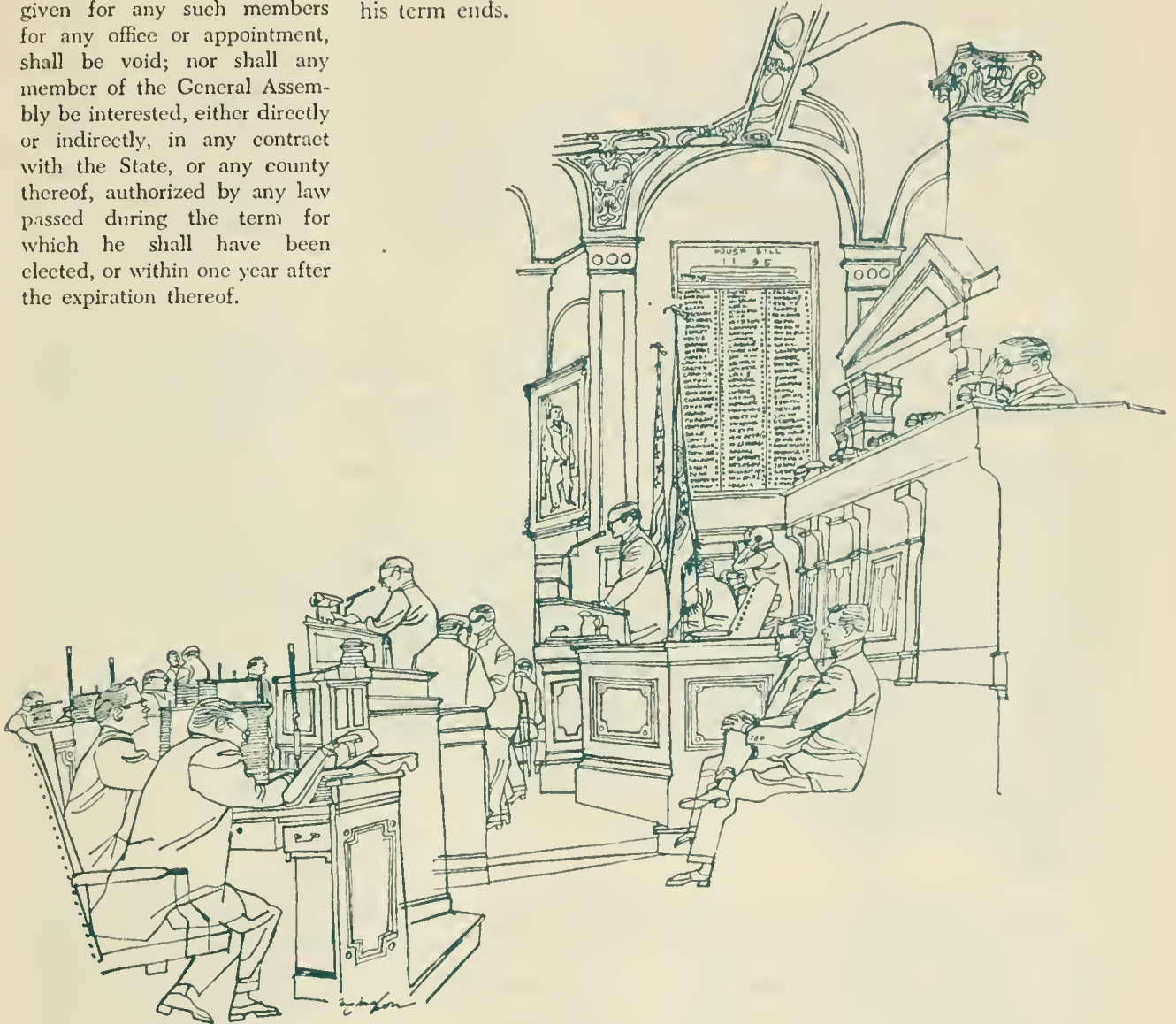
Treason is helping another country against the United States. A felony is a serious crime.

If members of the General Assembly could be punished for what they say in their meetings, they might be afraid to speak openly and frankly.

15. RESTRICTIONS ON MEMBERS. No person elected to the General Assembly shall receive any civil appointment within this State from the Governor, the Governor and Senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such members for any office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

No member of the General Assembly may be given a state job during his term as a senator or representative, regardless of who might appoint him. No member of the General Assembly may sell anything to the state or to a county government, under any law passed during his term as a senator or representative, plus one year after his term ends.

The idea of this section is to stop a member of the General Assembly from profiting from his own votes — by voting to start a new job, and then taking the job himself, or by selling things to the government under a new law he voted for.



16. APPROPRIATIONS. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject.

The only way the General Assembly can allow the spending of money by the government is to do so in a regular law. This may not be done in a private law, a law to help only one person. Laws allowing the spending of money to pay members of the General Assembly and for the salaries of officers of the government may not contain anything else.

An appropriation is a law fixing the amount of money the government may spend for a particular purpose.

The aim of this section of the Constitution is to keep anyone from hiding an appropriation in a long bill on another subject, and in that way slipping it through the General Assembly unnoticed.

17. MONEY PAID OUT. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the Auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution.

DUTY OF AUDITOR. The Auditor shall, within sixty days after the adjournment of each session of the General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

18. LIMITS ON APPROPRIATIONS. Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter:

STATE DEBTS. *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars; and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war, (for payment of which the faith of the State

Money may be paid from the state treasury only when there is an appropriation allowing it. Even then, money may be paid out only if an order of the auditor permits it. Money set aside to be paid out for one purpose cannot be paid out for another purpose.

Within sixty days after the end of a regular meeting of the General Assembly, the auditor shall prepare and publish a report on all money spent during the meeting. The report must show, item by item, who received the money and how it was spent.

Each General Assembly, in its regular meeting every two years, shall determine how much money the government may spend for its work. Such appropriations shall be made for two years and three months, no longer period and no shorter period. The total of all appropriations may not be larger than the total amount of taxes and other income the state expects to collect during the same period. Amounts beyond this total may be spent, if the General Assembly approves such amounts by a two-thirds majority in each house.

The General Assembly may not borrow more than \$250,000, except under two conditions: (1) if the purpose is to force an enemy out of the state, to put down a riot, or to defend the state in time of war; (2) if the law borrowing the money is voted on by the people and approved by them. Such a law must be published three months before it is voted on. The law must also provide for a tax to repay the debt when it comes due, and to pay the interest as it comes due each year.

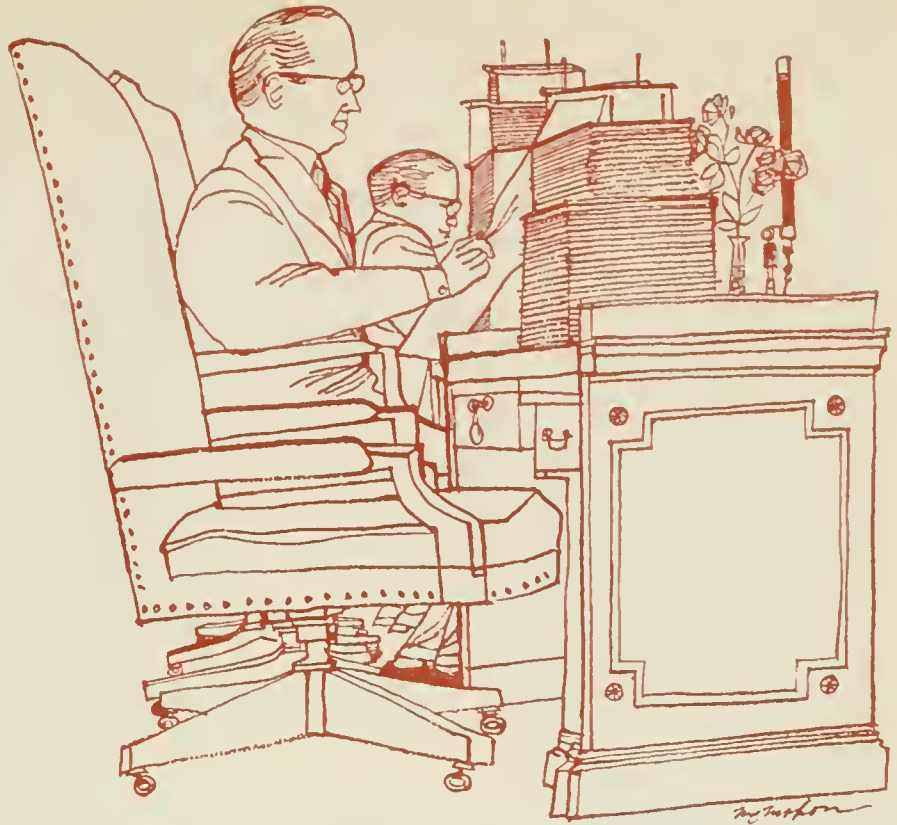
The auditor of public accounts inspects and checks the money records of the state. The purpose of these rules is to prevent money being spent unlawfully or for the wrong purpose.

Writers of the Constitution probably felt that the General Assembly would not be so likely to spend a lot of money, if it knew that a report on its expenses would be published.

Money set aside but not spent during the period of two years and three months may not be spent at all. Every appropriation must be exact — for instance, "\$12,930 for salaries in Office X." It is not possible for the General Assembly to appropriate money by stating: "As much money as may be needed for Office X."

The largest debt the legislature and the people ever voted for was \$300,000,000. The money was used to pay bonuses to Illinois veterans of the second World War. The debt is being paid back by a tax on cigarettes of two cents per pack.

shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrevocable until such debt is paid: *And provided, further,* that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.



19. PAYMENTS NOT ALLOWED. The General Assembly shall never grant or authorize extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void: *Provided,* the General Assembly may make appropriations for expenditures incurred in suppressing insurrections or repelling invasion.

The General Assembly may not give extra pay to any person after he has finished his work for the government. Only the amount of pay first agreed upon may be granted. The General Assembly may not approve any payment for work, after the work has been done. The General Assembly does not have to follow this rule, however, if payments are for putting down a riot, or for forcing an enemy out of the state.

20. TAKING OVER PRIVATE DEBTS NOT ALLOWED. The State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to, or in aid of any public or other corporation, association or individual.

The state government must never pay the debts of any group, company, or person. The state government must never help any group, company, or person to borrow money.

21. PAY OF MEMBERS. The members of the General Assembly shall receive for their services the sum of five dollars per day, during the first session held under this Constitution, and ten cents for each mile necessarily traveled in going to and returning from the seat of the government, to be computed by the Auditor of Public Accounts; and thereafter such compensation as shall be prescribed by law, and no other allowance or emolument, directly or indirectly, for any purpose whatever; except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidental expenses and prerequisites; but no change shall be made in the compensation of members of the General Assembly during the term for which they may have been elected. The pay and mileage allowed to each member of the General Assembly shall be certified by the Speakers of their respective houses, and entered on the journals, and published at the close of each session.

22. NO SPECIAL LAWS. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: For—

Granting divorces;

Changing the names of persons or places;

Laying out, opening, altering and working roads or highways;

Vacating roads, town plats, streets, alleys and public grounds;

Locating or changing county seats;

Regulating county and township affairs;

Regulating the jurisdiction and duties of justices of the peace, police magistrates, and constables;

During the 1871 meeting of the General Assembly, the members shall be paid five dollars per day. After that, the General Assembly may set the rate of pay. No General Assembly may raise its own pay; if a raise is voted, it cannot start during the terms of the members who voted for it. Members of the General Assembly may also get paid for two kinds of expenses. First, they shall be paid ten cents a mile for travel between their homes and Springfield. This is figured for each member by the auditor. Second, they shall be paid fifty dollars each meeting for postage, paper, envelopes, newspapers, and other expenses. At the end of each meeting, a list of how much pay and expenses each senator and representative received must be published in the journal, and the list must be signed by the chairman of each house.

The General Assembly may not pass a local or special law in any of the following cases:

Granting a divorce;

Changing the name of a person or place;

Setting the route, building, or changing a road or highway;

Closing or erasing a road, the map of a town, street, alley, or other land owned by a government;

Setting or changing the location of a county government;

Making rules for a particular court;

Fixing what a particular justice of the peace, minor judge, or constable may do;

According to the wording of this section, the pay of members of the General Assembly may be raised, but the ten cents a mile travel expenses and the fifty dollars for other expenses cannot be increased. The present pay of members is \$5,000 a year.

The ten cents a mile travel expense is given once each meeting, for travel to Springfield in January, and for travel back home in June when the meeting is over. Actually, the members make many more round-trips than this one.

Special laws refer to a certain person, a particular place, or a particular business corporation or group.

They are different from general laws, for general laws apply to everybody, every place in the state, and all business.

In many states in the 19th century, the legislatures spent much time on local or special laws. The idea back of Section 22 is to keep the legislature from wasting its time on small matters, or giving favors to a few people.

Providing for changes of venue in civil and criminal cases;

Incorporating cities, towns, or villages, or changing or amending the charter of any town, city or village;

Providing for the election of members of the board of supervisors in townships, incorporated towns or cities;

Summoning and impaneling grand or petit juries;

Providing for the management of common schools;

Regulating the rate of interest on money;

The opening and conducting of any election, or designating the place of voting;

The sale or mortgage of real estate belonging to minors or others under disability;

The protection of game or fish;

Chartering or licensing ferries or toll bridges;

Remitting fines, penalties or forfeitures;

Creating, increasing, or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed;

Changing the law of descent;

Granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purpose;

Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.

In all other cases where a general law can be made applicable, no special law shall be enacted.

Changing the trial of a case from one court to another;

Starting a particular city, town, or village, or changing its government;

Providing a different way of electing the members of the ruling body of a township, town, or city;

Calling together a particular grand jury or trial jury;

Making rules for running a particular school system;

Setting or governing the interest rate on money;

Making a rule for running a particular election differently from other elections;

Making special rules for selling or loaning money on real estate owned by children or insane people;

Protecting game or fish more completely in some places than in others;

Giving someone the sole right to operate a particular ferry or toll bridge;

Reducing or forgiving somebody's fine or other punishment;

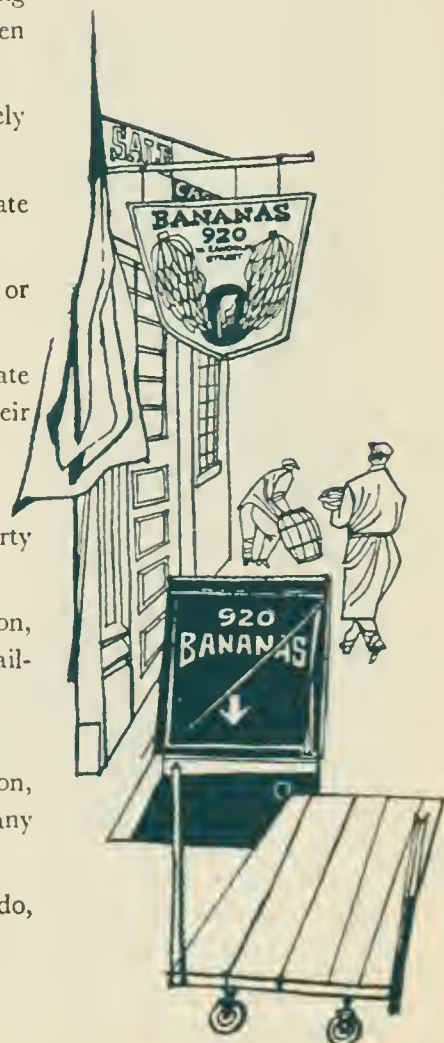
Increasing or decreasing the pay of state or local government officers during their terms in office;

Changing the law on inheriting property for a particular person;

Giving to any particular corporation, group, or person the right to build a railroad;

Giving to any particular corporation, group, or person any special favor of any kind.

In any case where a general law will do, no special law may be passed.



23. **FORGIVING DEBTS NOT ALLOWED.** The General Assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State or to any municipal corporation therein.

24. **IMPEACHMENT.** The House of Representatives shall have the sole power of impeachment; but a majority of all the members elected must concur therein. All impeachments shall be tried by the Senate; and when sitting for that purpose, the Senators shall be upon oath, or affirmation, to do justice according to law and evidence. When the Governor of the State is tried, the Chief Justice shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. But judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

25. **STATE CONTRACTS.** The General Assembly shall provide, by law, that the fuel, stationery, and printing paper furnished for the use of the State; the copying, printing, binding and distributing the laws and journals, and all other printing ordered by the General Assembly, shall be let by contract to the lowest responsible bidder; but the General Assembly shall fix a maximum price; and no member thereof, or other officer of the State, shall be interested, directly or indirectly, in such contract. But all such contracts shall be subject to the approval of the Governor, and if he disapproves the same there shall be a re-letting of the contract, in such manner as shall be prescribed by law.

The General Assembly may not forgive or forget any debt owed to the state government, or to any city or village government.

Only the house of representatives may accuse an officer of the state government of having done something so bad that he should be removed from office. The house of representatives does this by voting to impeach the officer, and eighty-nine members must vote for it. The senate is the jury. To find the accused officer guilty, thirty-nine senators (a two-thirds majority) must vote him guilty. The senators when acting as jurymen must take an oath to listen and vote fairly. If they find the officer guilty, he must give up his office. Never again can he hold a job with the state government. An impeached officer may also be made to stand trial in court, if it appears that he committed a crime. If the governor is impeached, the chairman of the senate is replaced by the chief justice of the supreme court, during the impeachment trial.

The General Assembly must set up in a law the steps to be taken by the state government in buying fuel, stationery, printing paper, and all kinds of printing. When something is to be bought by the state, companies may make offers of the prices at which they are willing to sell. The state must take the lowest price offer made by a reliable company, but the General Assembly may set a top price above which no offer will be accepted — even if it is the lowest offer. Every accepted price offer must be approved by the governor. If he does not approve one, a chance for companies to make new offers must be given. No member of the General Assembly, or officer of the state government, may profit by selling things to the state.

A *liability* is something valuable owed.

An *obligation* is something valuable promised.

A *municipal corporation* is a city or village government.

Note that the word "impeach" does not mean to remove an officer of the government. Impeach means to charge an officer of the government with having done something so bad that his removal from office seems necessary. The senate is the judge and jury in the trial that follows the impeachment of an official. A committee of the house of representatives brings out the facts against the officer. The officer's lawyer defends him.

Why does the chief justice become the chairman of the senate when the governor is impeached? The chairman of the senate is the lieutenant governor. He would become governor, if the governor were found to be guilty. To allow the lieutenant governor to preside would be unfair, because he would gain if the governor were found guilty.

The purpose here is to be sure that what the state buys, it buys at the lowest possible price. The idea is to prevent a company from getting business because the owner is a friend of a member of the General Assembly, or in some other way has an inside track.

26. NO LAWSUITS AGAINST THE STATE. The State of Illinois shall never be made defendant in any court of law or equity.

The state government may not be sued in court.

The idea of this section is very old, going back to the time of kings. "The king can do no wrong." If this is so, there can be no good reason to sue the king, and the king is the government.

27. NO LOTTERIES IN ILLINOIS. The General Assembly shall have no power to authorize lotteries or gift enterprises, for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

The General Assembly may not set up or approve lotteries. The General Assembly must pass laws making lotteries unlawful.

A lottery is a form of gambling. Tickets are sold, and their stubs are dropped in a box. A small number of the stubs are picked and taken out, usually by a blindfolded person. The people who hold the tickets matching the selected stubs win prizes.

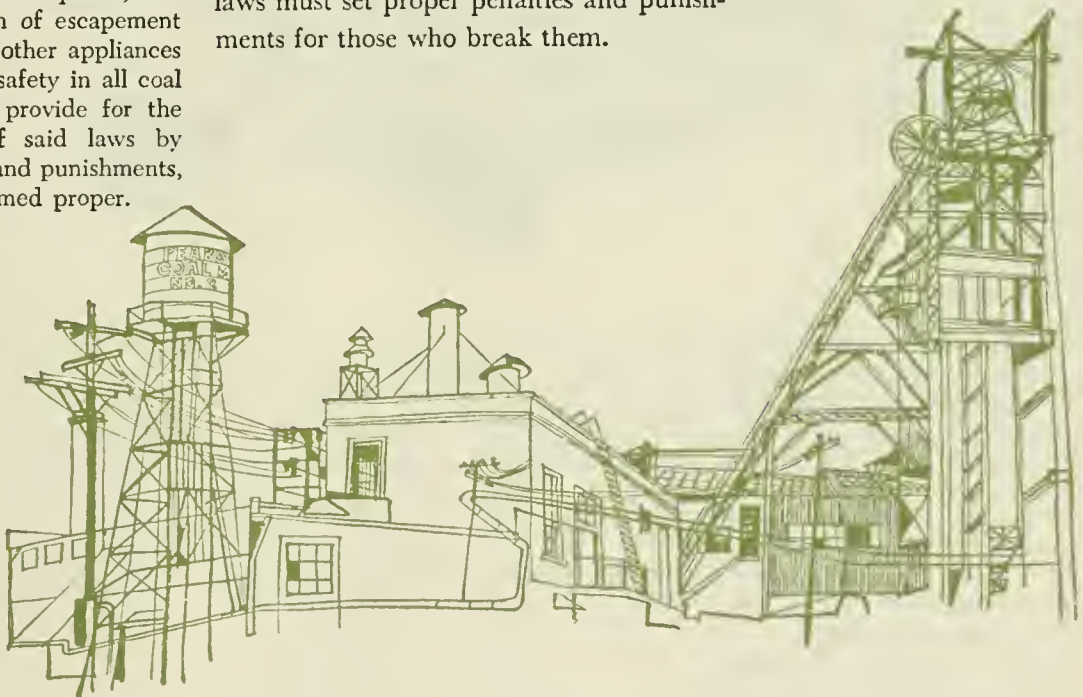
28. NO EXTENDED TERMS. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

The General Assembly may pass no law that lengthens the term in office of a state officer, beyond the number of years for which he was elected or appointed.

29. PROTECTING MINERS. It shall be the duty of the General Assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, where the same may be required, and the construction of escapement shafts, or such other appliances as may secure safety in all coal mines, and to provide for the enforcement of said laws by such penalties and punishments, as may be deemed proper.

The General Assembly must pass laws to protect miners at work. The laws may require that mines be ventilated, that shafts or tunnels for escape be built, and that safety devices be put in where needed. The laws must set proper penalties and punishments for those who break them.

Coal miners take extra risks, because of the nature of their work. This section is to make sure that they are protected.

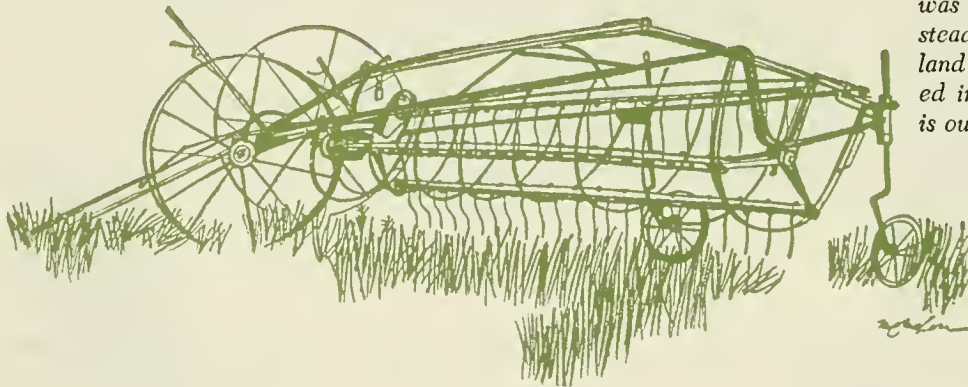


30. ESTABLISHING ROADS. The General Assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

The General Assembly may pass laws stating how roads may be planned, surveyed, built, and opened.

31. DRAINS AND DITCHES. The General Assembly may pass laws permitting the owners of lands to construct drains, ditches, and levees for Agricultural, Sanitary or mining purposes, across the lands of others, and provide for the organization of drainage districts, and vest the corporate authorities thereof, with power to construct and maintain levees, drains and ditches, and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this State, by special assessments upon the property benefited thereby.

32. HOMESTEAD LAWS. The General Assembly shall pass liberal Homestead and Exemption laws.



33. COST OF A NEW CAPITOL. The General Assembly shall not appropriate out of the State treasury, or expend on account of the new capitol grounds, and construction, completion, and furnishings of the State House, a sum exceeding, in aggregate, three and a half millions of dollars, inclusive of all appropriations heretofore made, without first submitting the proposition for an additional expenditure to the legal voters of the State, at a general election; nor unless a majority of all the votes cast at such election shall be for the proposed additional expenditures.

The General Assembly may pass laws allowing owners of land to build drains, ditches, and levees across the land of others. The drains, ditches, and levees may be built to help farming, to get rid of sewage, or to drain mines. The General Assembly may pass laws allowing drainage districts to be formed. Those in charge of the districts may build and keep up levees, drains, and ditches. The money to do this may be raised from the landowners whose land is helped.

The General Assembly shall pass generous laws to encourage and protect homesteads.

The General Assembly must not allow more than \$3,500,000 to be spent on a new capitol building. This sum is to cover the cost of land, the building, and the furniture for it. If the General Assembly wants to spend more money, the law for the extra amount must be voted on by the people.

This section at first did not allow for drainage districts. So the part about drainage districts was added in 1878. This was the first amendment to the Constitution.

A drain is a covered ditch. A levee is a bank built along a river to keep the river from flooding the land along it.

A homestead was a farm set up out of the wilderness. At one time, all the land in Illinois was owned by the federal government. The federal government sold much of it to homesteaders to clear and make into farms. This section was written to help the homesteaders. There is no more land that can be homesteaded in Illinois, so this section is out of date.

At the time the Constitution was written, a new capitol was being built. The writers of the Constitution feared that too much money would be spent on it. Hence this section. The capitol cost \$4,500,000 and the voters approved the extra \$1,000,000 needed.

34. SPECIAL LAWS FOR CHICAGO.

The General Assembly shall have power, subject to the conditions and limitations hereinafter contained, to pass any law (local, special or general) providing a scheme or charter of local municipal government for the territory now or hereafter embraced within the limits of the city of Chicago. The law or laws so passed may provide for consolidating (in whole or in part) in the municipal government of the city of Chicago, the powers now vested in the city, board of education, township, park and other local governments and authorities having jurisdiction confined to or within said territory, or any part thereof, and for the assumption by the city of Chicago of the debts and liabilities (in whole or in part) of the governments or corporate authorities whose functions within its territory shall be vested in said city of Chicago, and may authorize said city, in the event of its becoming liable for the indebtedness of two or more of the existing municipal corporations lying wholly within said city of Chicago, to become indebted to an amount (including its existing indebtedness and the indebtedness of all municipal corporations lying wholly within the limits of said city, and said city's proportionate share of the indebtedness of said county and sanitary district which share shall be determined in such manner as the General Assembly shall prescribe) in the aggregate not exceeding five per centum of the full value of the taxable property within its limits, as ascertained by the last assessment either for State or municipal purposes previous to the incurring of such indebtedness (but no new bonded indebtedness, other than for refunding purposes, shall be incurred until the proposition therefor shall be consented to by a majority of the legal voters of said city voting on the question at any election, general, municipal or special); and may

The General Assembly may pass laws applying to Chicago only. Such laws may do the following things:

(1) Include under the city government, any school, township, park, or other government, lying entirely within the city limits of Chicago;

(2) Allow the city government to take over the debts of such governments, but the total debt of the city must not be larger than five per cent of the value of all taxable property within the city (the debt must include the city's share of the debt of Cook County and the sanitary district);

(3) Set up a special system for collecting taxes on property, as long as the system is uniform;

(4) Do away with any office and provide that its work shall be done by another office;

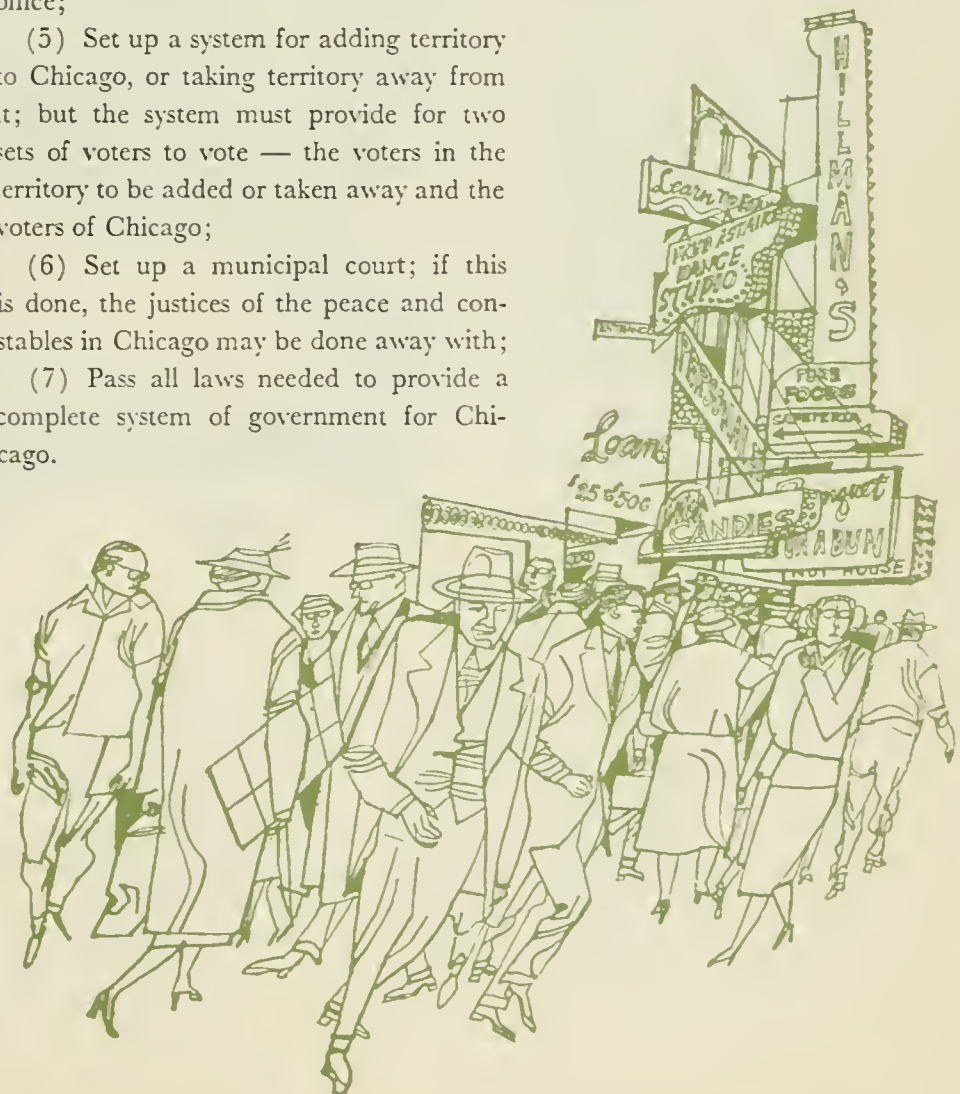
(5) Set up a system for adding territory to Chicago, or taking territory away from it; but the system must provide for two sets of voters to vote — the voters in the territory to be added or taken away and the voters of Chicago;

(6) Set up a municipal court; if this is done, the justices of the peace and constables in Chicago may be done away with;

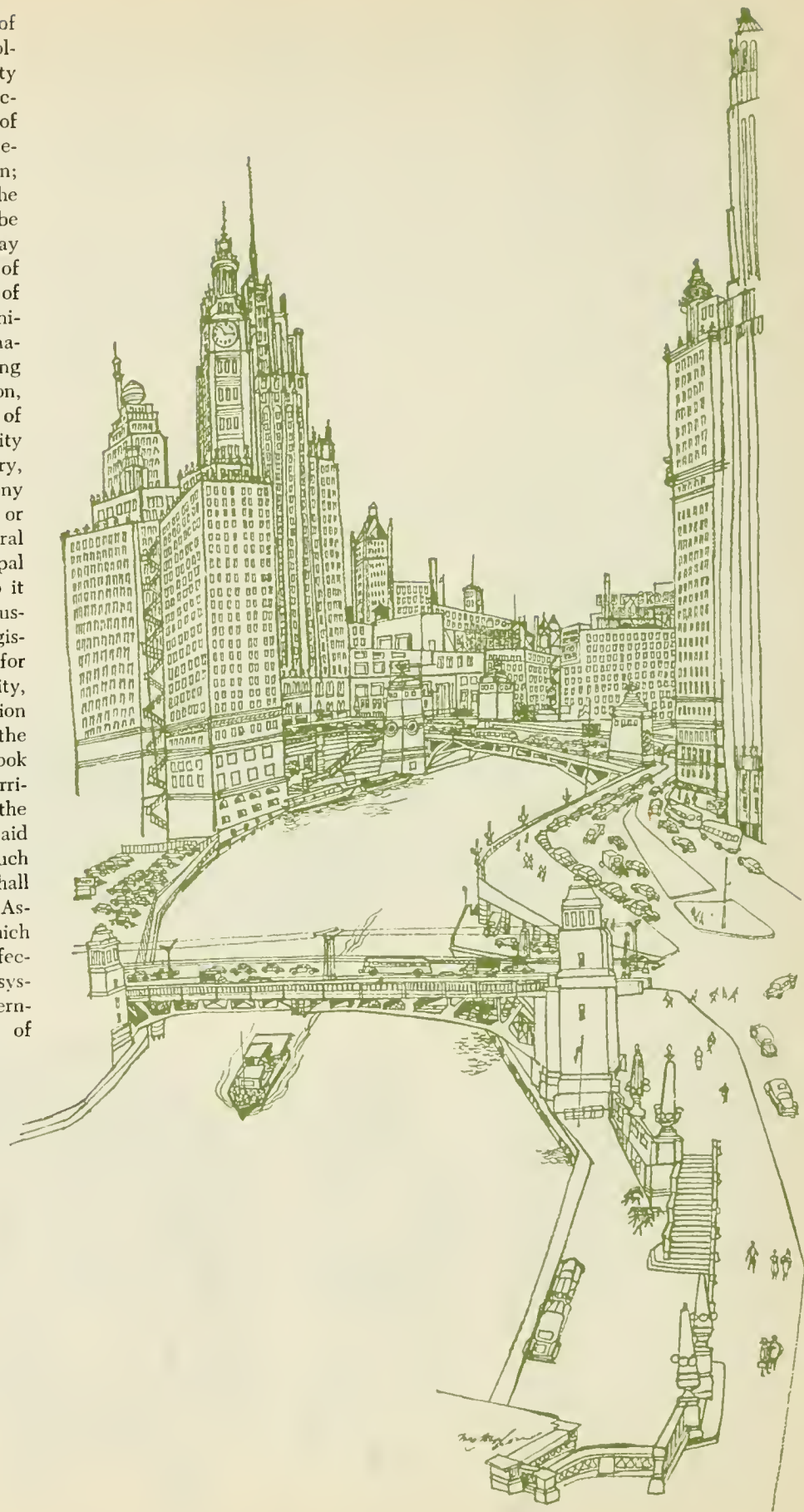
(7) Pass all laws needed to provide a complete system of government for Chicago.

Section 34 was the sixth amendment to the Constitution. It was adopted in 1904. Chicago had become much larger than any other city in the state. It was so large that the people believed that special laws for Chicago should be allowed.

Notice that this part of the section has only two sentences. The second one would probably win a prize of some sort for being the champion of long sentences.



provide for the assessment of property and the levy and collection of taxes within said city for corporate purposes in accordance with the principles of equality and uniformity prescribed by this Constitution; and may abolish all offices, the functions of which shall be otherwise provided for; and may provide for the annexation of territory to or disconnection of territory from said city of Chicago by the consent of a majority of the legal voters (voting on the question at any election, general, municipal or special) of the said city and of a majority of the voters of such territory, voting on the question at any election, general, municipal or special; and in case the General Assembly shall create municipal courts in the city of Chicago it may abolish the offices of justices of the peace, police magistrates and constables in and for the territory within said city, and may limit the jurisdiction of justices of the peace in the territory of said county of Cook outside of said city to that territory, and in such case the jurisdiction and practice of said municipal courts shall be such as the General Assembly shall prescribe; and the General Assembly may pass all laws which it may deem requisite to effectually provide a complete system of local municipal government in and for the city of Chicago.



HOME RULE. No law based upon this amendment to the Constitution, affecting the municipal government of the city of Chicago, shall take effect until such law shall be consented to by a majority of the legal voters of said city voting on the question at any election, general, municipal or special; and no local or special law based on this amendment affecting specially any part of the city of Chicago shall take effect until consented to by a majority of the legal voters of such part of said city voting on the question at any election, general, municipal or special. Nothing in this section contained shall be construed to repeal, amend or affect section four (4) of Article XI of the Constitution of this State.

ARTICLE V

Executive Department

1. OFFICERS. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction and attorney general, who shall each hold his office for the term of four years from the second Monday of January next after his election and until his successor is elected and qualified. They shall, except the lieutenant governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

2. TREASURER. The treasurer shall hold his office for the term of four years, and until his successor is elected and qualified, and shall be ineligible to said office for four years next after the end of the term for which he was elected. He may be required by the governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

Before a law passed under this section (Section 34) can go into effect, it must be approved by the voters of Chicago. Any law applying specially to a part of the city must be approved by the voters of that part.

Section 4 of Article XI, having to do with streetcar systems, remains in effect in Chicago.

The leaders of the executive department shall be a governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, and attorney general. They are elected for terms of four years. Their terms start on the second Monday in January, after their election in November. Except for the lieutenant governor, they must live in Springfield. They must keep their records, books, and papers there. They shall do what the laws tell them to do.

The treasurer's term in office is four years. No person may be re-elected treasurer until four years after his term has ended. The governor may require the treasurer to put up money or property, to be sure that he does not steal any of the state's money. If he fails to put up the money or property, he loses his job.

Home rule is the power of a city to write and adopt its own charter. If the legislature may pass laws applying to Chicago alone, it seems only fair that the people of Chicago should have the chance to approve or reject such laws.

The twelfth amendment to the Constitution, passed in 1954, changed this section. Before, this section said that the treasurer should have a term of two years. The amendment changed his term of office to four years. All executive officers now serve four-year terms.

Before the twelfth amendment changed this section, the treasurer's term was two years. Evidently the writers of the Constitution did not trust anyone to be treasurer for long. They did not allow the treasurer to be re-elected right away, and they gave the governor power to make him put up a bond to be sure he would be honest.

3. TIMES OF ELECTIONS. An election for governor, lieutenant governor, secretary of state, auditor of public accounts, and attorney general, shall be held on the Tuesday next after the first Monday of November, in the year of our Lord 1872, and every four years thereafter; for superintendent of public instruction, and treasurer, on the Tuesday next after the first Monday of November, in the year 1958, and every four years thereafter at such places and in such manner as may be prescribed by law.

4. ELECTION RESULTS. The returns of every election for the above named officers shall be sealed up and transmitted, by the returning officers, to the Secretary of State, directed to "The Speaker of the House of Representatives," who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each House of the General Assembly, who shall, for that purpose, assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal, and the highest, number of votes, the General Assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly, by joint ballot, in such manner as may be prescribed by law.

The governor, lieutenant governor, secretary of state, auditor of public accounts, and attorney general are to be elected in 1872 and every four years after that. The superintendent of public instruction and treasurer are to be elected in 1958 and every four years afterward. All these elections are to be held on Tuesday after the first Monday in November. The places and manner of voting are to be according to law.

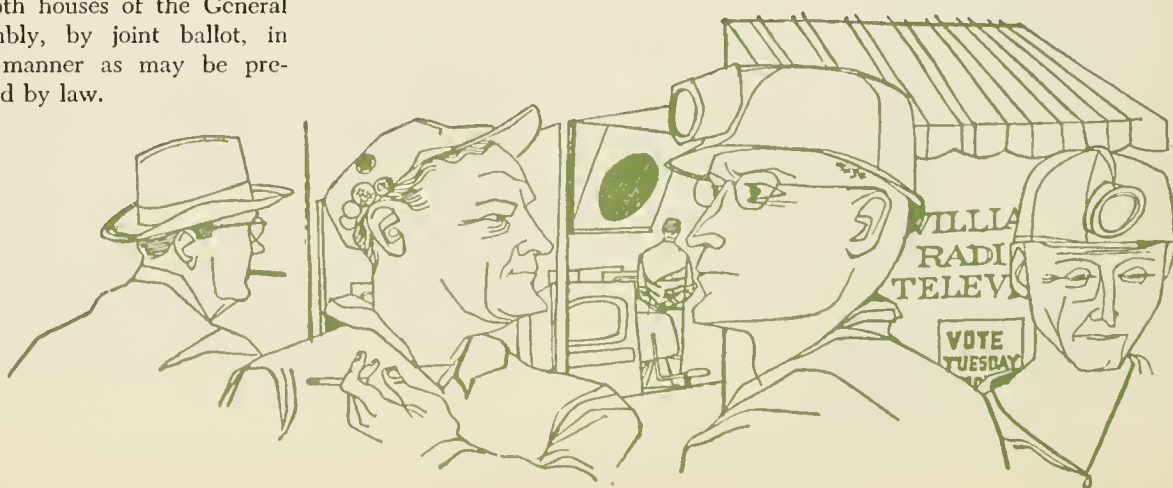
The election totals in each county, for the officers named above, must be sent to the secretary of state. The envelopes, however, must be addressed to "The Speaker of the House of Representatives." The speaker must open the envelopes and state the results of the election. This must be done (1) before the house of representatives starts on any other business, and (2) with the representatives and senators all together in the meeting hall of the house. A majority of the members of each house must be present. If there is a tie in an election, the members of the General Assembly shall choose one of the tied persons. This is done by the members voting. If there is doubt about who has won an election, the members of the General Assembly shall choose the winner, by the members voting.

This section was also changed by the twelfth amendment. Formerly the treasurer was elected every two years.

The election in which the people choose the governor (and the other officers elected at the same time he is) is the same election in which the President of the United States is chosen.

The speaker of the house of representatives is its chairman. He is a representative chosen by the members of the house to be their speaker.

There is little chance that a tie vote would ever occur. About the only way there could be doubt about an election would be to have dishonest vote figures reported from some counties.



5. WHO MAY BE CHOSEN. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of 30 years, and been, for five years next preceding his election, a citizen of the United States and of this State. Neither the Governor, Lieutenant Governor, Auditor of Public Accounts, Secretary of State, Superintendent of Public Instruction nor Attorney General shall be eligible to any other office during the period for which he shall have been elected.

6. GOVERNOR'S POWER SUPREME. The Supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

7. DUTIES OF GOVERNOR. The Governor shall, at the commencement of each session, and at the close of his term of office, give to the General Assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and, at the commencement of each regular session present estimates of the amount of money required to be raised by taxation for all purposes.

8. SPECIAL SESSIONS. The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, stating therein the purpose for which they are convened; and the General Assembly shall enter upon no business except that for which they were called together.

To be governor or lieutenant governor, a person must be (1) thirty years of age, (2) a citizen of the United States for five years before being elected, and (3) a citizen of Illinois for five years before being elected. Some elected officers may not be chosen for any other office (in the state government) during their terms in office. They are the governor, lieutenant governor, auditor of public accounts, secretary of state, superintendent of public instruction, and attorney general.

The governor has the greatest executive power. He shall, truly and loyally, carry out the laws.

At the beginning of each meeting of the General Assembly, the governor must send the legislators a message. The message must tell them how things are in Illinois, and what laws the governor believes they should pass. He must send the same kind of message when his term in office comes to an end. In addition to his messages, the governor must give the General Assembly a list of all money received and paid out under his orders. At the beginning of each regular meeting of the General Assembly the governor must send the Assembly a statement of how much money the state government needs in taxes.

The governor may call the General Assembly into a special meeting. He may do this when there is something unusual to be considered that cannot wait until the next regular meeting. The call for the special meeting must state the purpose of it. The General Assembly must handle this business and no other.

Note that the treasurer is not on this list. Since he cannot keep his office for more than one term at a time, it is fair to let him try for some other office.

The General Assembly has the legislative power — the power to decide what is to be done. The governor has the executive power — the power to do what is to be done.

These are the duties the governor must perform for the General Assembly. Note that the General Assembly does not have to pass the laws the governor suggests.

The General Assembly has its regular meetings from January to June in the odd-numbered years (1955, 1957, 1959). Thus it meets only six months out of every twenty-four. During the eighteen months between sessions, some emergency can easily come up, calling for a special session.

9. ADJOURNMENT OF HOUSES IN CASE OF DISAGREEMENT. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor may, on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

10. APPOINTMENTS. The Governor shall nominate and, by and with the advice and consent of the Senate, (a majority of all the Senators elected concurring, by yeas and nays), appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly

11. VACANCIES IN OFFICES. In case of a vacancy, during the recess of the Senate, in any office which is not elective, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate (a majority of all the Senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the recess of the General Assembly.

If the house of representatives and the senate cannot agree upon a time to stop meeting, the governor may set the time. But he can do this only if the house that first wanted to stop tells him that the two houses cannot agree on a time. Both houses must meet again no later than the first day of the next regular meeting, unless the governor sets an earlier time.

The governor has the power to choose all officers of the state government, unless this Constitution, for a particular office, says something different. Officers chosen by the governor must be approved by a majority vote of the senate. The General Assembly may not pass a law giving itself the power to choose officers.

If an officer chosen by the governor quits or dies while the senate is not meeting, the governor may choose a person to act in the office until the senate next meets. When the senate meets, the governor must choose a person to fill the office. The senate must approve the selection by a majority vote. If the senate does not approve the governor's choice, the governor may again choose the same person for the same office, only if the senate changes its mind and asks the governor to do this.

To adjourn means to stop meeting. The last time a governor of Illinois had to do this was in 1863, while the 1848 Constitution was in effect.

The Constitution provides for the election of a number of officers. For example, turn to Section 1 of this article.

Usually the person who acts in the office until the senate meets is the person chosen by the governor for senate approval.

Suppose that the senate fails to approve or reject the governor's choice before its meeting comes to an end. What happens to the man? He keeps the office. The courts say that the senate's failure to act is not the man's fault. He cannot be turned out of office for something the senate failed to do.



12. REMOVAL BY GOVERNOR.

The Governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office; and he may declare his office vacant, and fill the same as is herein provided in other cases of vacancy.

The governor may dismiss any officer he appointed, for any of these reasons: (1) inability to do the work of the office, (2) refusal to do the work of the office, or (3) incorrect or dishonest work. After dismissing an officer, the governor may choose someone else to take his place, as stated in sections 10 and 11.

Note that the governor alone has the power to remove. The senate has no part in this, although the senate must approve the governor's choices for appointment.

13. PARDONS. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor.

The governor has the power to grant reprieves, commutations, and pardons to people found guilty of any crime whatever. The General Assembly may pass a law setting up the way or manner in which the guilty person asks for a pardon, reprieve, or commutation.

A reprieve is putting off to a later date, the beginning of the punishment. A commutation is making the punishment easier, such as reducing a prison sentence from thirty to ten years. A pardon is complete forgiveness for the crime; it erases the sentence entirely. Afterward, the pardoned person is as innocent as if he had never been found guilty.

14. HEAD OF MILITIA. The Governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into the service of the United States); and may call out the same to execute the laws, suppress insurrection, and repel invasion.

The governor is commander-in-chief of the army and navy of the state, except when they are called to duty as part of the nation's armed forces. The governor may order the state's armed forces to active duty, to help enforce the laws, to put down an armed uprising, or to turn back an enemy invader.

We know the state's armed forces as the National Guard. Each military unit meets one evening per week, and goes to camp two or three weeks each summer

15. **IMPEACHMENT.** The Governor, and all civil officers of this State, shall be liable to impeachment for any misdemeanor in office.

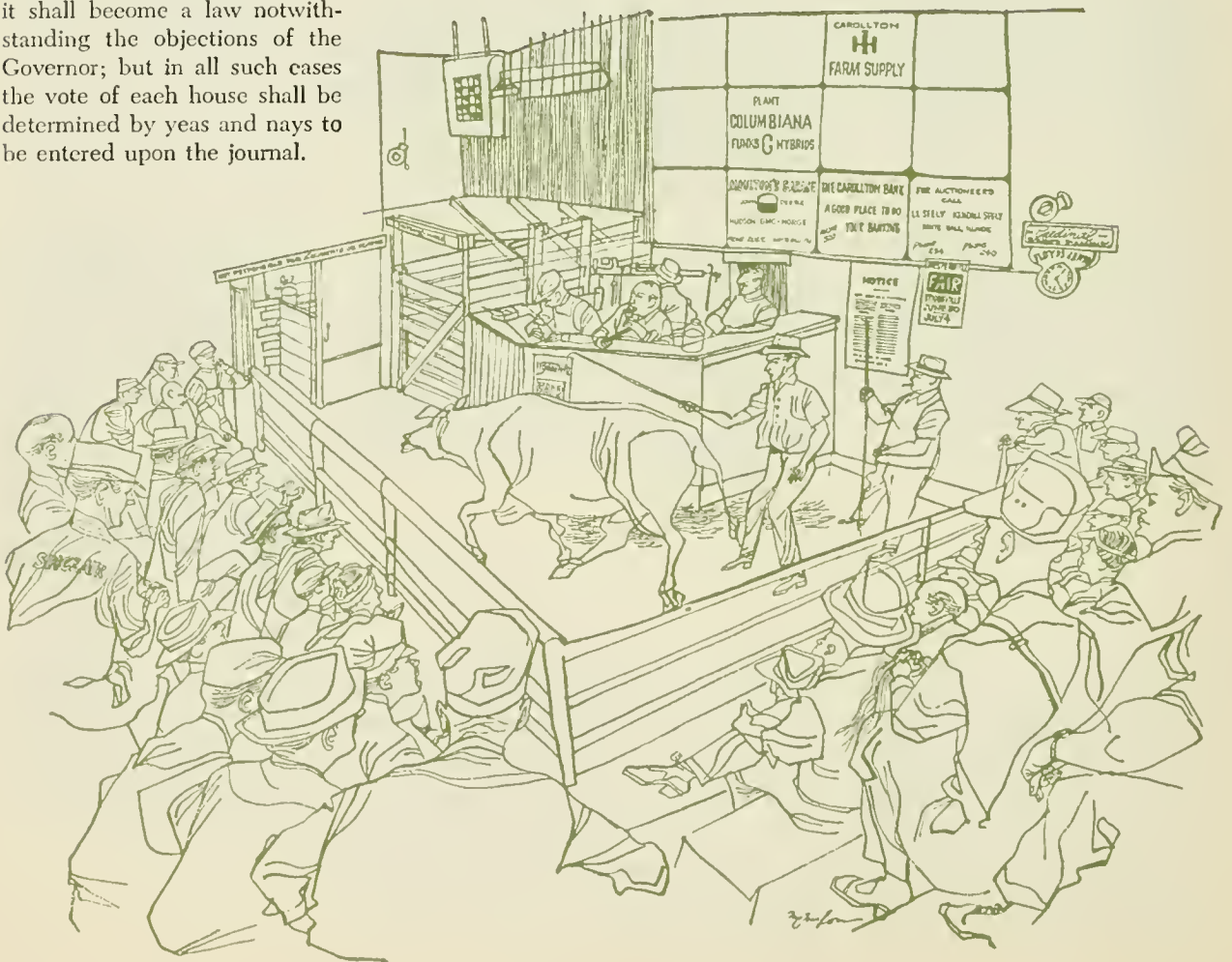
16. **GOVERNOR'S VETO POWER.** Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approves, he shall sign it, and thereupon it shall become a law; but if he does not approve, he shall return it with his objections, to the House in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor; but in all such cases the vote of each house shall be determined by yeas and nays to be entered upon the journal.

All civil officers of the state government, from the governor on down, may be impeached for wrongdoing in office.

After a bill has been passed by both houses of the General Assembly, and before it becomes a law, it shall be given to the governor. The governor may okay it, or he may object to it. If he okays it, he signs it, and it becomes a law. If he objects to it, he shall write out his objections. The bill and objections are sent back to the house where the bill first started. The house votes again on the bill. If two-thirds of the members vote for it, the bill goes to the other house. This house votes on it, too. If two-thirds of the members vote for it, the bill becomes a law. In both houses, the journal must show how each member voted.

A civil officer is a nonmilitary officer. For the manner of impeachment, review Section 24, Article IV.

A bill may become a law in spite of the governor's veto if two-thirds of the members of both houses vote again for the bill. Such action is called "overriding the governor's veto." Only a few laws are passed after being vetoed by the governor.



ITEM VETO. Bills making appropriations of money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections, and if the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two houses of the General Assembly, it shall become part of said law notwithstanding the objections of the Governor.

Bills allowing money to be spent for certain purposes shall be exact. Each purpose or object for which money is to be spent shall be stated exactly, and the amount of money being allowed for each such item shall be given exactly. The governor may okay or object to each and every item, one by one. The whole bill is then returned to the house where it started. The members may vote again on each item the governor has objected to. Items approved by two-thirds of the members are then voted on by the members of the other house, too. If two-thirds of the members in the second house vote for an item, it stays in the bill and becomes part of the law.

This portion of Section 16 was added in 1884. It was the third amendment to the Constitution.

This power of the governor to veto items in appropriation bills is called the "item veto." Its purpose is to let the governor veto only those items he does not like. Before this, the governor had to accept or veto all items in an appropriation bill. He might like two hundred items and dislike ten. He would have to accept the ten along with the two hundred, because he had to okay or object to the entire bill.



TIME LIMIT ON VETOES. Any bill which shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him shall become a law in like manner as if he had signed it, unless the General Assembly shall, by their adjournment prevent its return, in which case it shall be filed with his objections, in the office of the Secretary of State, within ten days after such adjournment, or become a law.

The governor has ten days in which to sign or veto a bill, not including Sundays. If he fails to act within the ten days, the bill becomes a law without his signature. If the General Assembly stops meeting during the ten-day period, the governor has another ten days in which to act. If he fails to act, the bill becomes a law anyway. If he objects to the bill, he sends the bill and his objections to the secretary of state.

If the governor vetoes a bill after the General Assembly stops meeting, the bill is killed. The legislature has no chance to vote again on the bill, and possibly override the governor's veto.

17. WHEN THE LIEUTENANT GOVERNOR ACTS AS GOVERNOR. In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant Governor.

18. PRESIDENT OF THE SENATE. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a President, *pro tempore*, to preside in case of the absence or impeachment of the Lieutenant Governor, or when he shall hold the office of Governor.

19. OTHER OFFICERS AS GOVERNOR. If there be no Lieutenant Governor, or if the Lieutenant Governor shall, for any of the causes specified in section seventeen, of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives.

20. VACANCIES IN THE OTHER STATE OFFICES. If the office of Auditor of Public Accounts, Treasurer, Secretary of State, Attorney General, or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successors shall be elected and qualified in such manner as may be provided by law.

The lieutenant governor shall act as governor (1) if the governor dies, (2) if he is impeached and found guilty, (3) if he fails to meet the conditions in Section 5 of this article, (4) if he resigns, (5) if he leaves the state, or (6) if anything else happens to him that makes it impossible for him to act as governor.

The lieutenant governor shall be chairman of the senate. He may vote only if there is a tie vote of the senators. The senate shall choose an acting chairman to act if the lieutenant governor is absent or acting as governor.

If the governor dies or cannot act as governor, and the lieutenant governor cannot act as governor either, the chairman of the senate shall act as governor. If he, too, should have to give up the office before it is filled by election, or by the return of the governor, the chairman of the house of representatives shall act as governor.

If the auditor of public accounts, treasurer, secretary of state, attorney general, and superintendent of public instruction dies or quits, or in some other way loses his office, the governor shall choose someone to take his place. The person chosen by the governor shall hold the office until some person is elected to the office.

If the governor returns to the state, or if he has been ill and recovers, the lieutenant governor stops acting as governor.

The order in which an office may be filled when it becomes vacant for a part of the term is called "succession to the office." In filling the office of governor, the order of succession is the lieutenant governor, the president of the senate, and the speaker of the house of representatives.

RECORDS AND REPORTS. An account shall be kept by the officers of the Executive Department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the Governor, under oath; and any officer who makes a false report shall be guilty of perjury, and punished accordingly.

21. REPORTS TO GOVERNOR AND GENERAL ASSEMBLY. The officers of the Executive Department, and of all the public institutions of the State, shall, at least ten days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports to the General Assembly, together with the reports of the Judges of the Supreme Court of defects in the Constitution and laws; and the Governor may at any time require information, in writing, under oath, from the officers of the Executive Department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices.

22. STATE SEAL. There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be kept by the Secretary of State, and used by him, officially, as directed by law.

Records shall be kept by the officers in the executive branch and by the heads of state institutions such as hospitals and prisons. These records must show money received and where it came from. Each officer must report money paid out and what it was spent for. Every six months reports from these records must be made to the governor. Any officer who makes a false report shall be guilty of perjury, and shall be punished for this crime.

Every officer, and every manager of state institutions such as a hospital or a prison, shall make a report to the governor every second year. These reports must be in the governor's hands at least ten days before the start of each regular meeting of the General Assembly. The judges of the supreme court shall make a report to the governor at the same time. Their report must tell of any errors in the Constitution and laws. The governor must send all these reports to the General Assembly. Any time he wants to, the governor may require a report from a state officer or manager. The report must tell about his office or work, or that part of it the governor asks for.

Perjury is the crime of lying under oath, knowing while you do it that you are lying. An officer making a false report would have to be tried and convicted in court before he could be punished.

This section, and the one preceding, clearly show that the governor is the leading officer of the state government.



The Great Seal is stamped on laws passed by the General Assembly, and upon other official papers and records.

23. SALARIES AND FEES. The officers named in this article shall receive for their services a salary, to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution, shall be paid in advance into the State treasury.

24. DEFINITION OF "OFFICE." An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected, or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished.

25. OATH OF OFFICE. All civil officers, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

And no other oath, declaration or test shall be required as a qualification.

The officers named in this article shall receive salaries for their work. Their salaries shall be fixed by the General Assembly in a law. Their salaries may not be raised or lowered during their terms in office. They shall receive no other income of any kind from the state. If they do an official service for people, and if the law makes them charge a fee for the service, the money must be paid into the state treasury.

An *office* is a position in the state government, set up in this Constitution or in a law. An officer may be elected or he may be chosen by the governor. He may serve a fixed term or he may serve as long as he is wanted. An *employment* is a temporary job to be done. It stops when the job is done.

All nonmilitary officers of the state government (except members of the General Assembly and minor officers as decided by law) must make a promise before starting to work. The promise they make has this meaning:

"I promise that I will uphold the Constitution of the United States and the Constitution of the State of Illinois, and that I will do my work well, as best I can."

No other oath or test may be required.

A *fee* is a charge for a service.

It is hard for anyone, even writers of constitutions, to make clear the difference between "officer" and "employee." About the best way to tell the difference is to say that a job is an "office" if the law says that is what it is, while a job is an "employment" if that is what the law says it is.



ARTICLE VI

Judicial Department

1. WHO HAS JUDICIAL POWERS. The judicial powers, except as in this article is otherwise provided, shall be vested in one Supreme Court, Circuit Courts, County Courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

The judicial powers shall belong to the courts of the state, except where this article says something different. The courts include the supreme court, circuit courts, county courts, justices of the peace, police magistrates, and courts set up by law in cities and incorporated towns.

The *judicial powers* are the powers to decide how the laws apply to people and the power to judge whether people have followed the laws.

An *incorporated town* is a city or village with a government, that calls itself a town. *There are only a few incorporated towns in Illinois, and they may be looked upon as cities and villages.*

2. SUPREME COURT. The Supreme Court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue, in *mandamus*, and *habeas corpus*, and appellate jurisdiction in all other cases. One of said judges shall be chief justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

There shall be seven judges in the supreme court. One shall be the chief justice, or chairman. At least four must be present for the court to hear and decide cases. Four judges must agree to decide a case. The main work of the court is to review cases that have been decided in the lower courts. But, if it wants to, the supreme court may try three types of cases itself: (1) tax cases, (2) *mandamus* cases, a case in which a person asks the court to order an officer to do something as part of his duties, and (3) *habeas corpus* cases.

Do you remember what habeas corpus means? Turn to Article II, Section 7, to check your memory.

A court has *appellate jurisdiction* when its duty is to review cases that have been tried and decided in the lower courts.

3. WHO MAY BE SUPREME COURT JUDGES. No person shall be eligible to the office of judge of the Supreme Court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected.

4. GRAND DIVISIONS. Terms of the Supreme Court shall continue to be held in the present grand divisions at the several places now provided for holding the same; and until otherwise provided by law, one or more terms of said court shall be held, for the Northern Division, in the City of Chicago, each year, at such times as said court may appoint, whenever said city or the county of Cook shall provide appropriate rooms therefor, and the use of a suitable library, without expense to the State. The judicial divisions may be altered, increased or diminished in number, and the times and places of holding said court may be changed by law.

5. SUPREME COURT DISTRICTS. The present grand divisions shall be preserved, and be denominated Southern, Central and Northern, until otherwise provided by law. The State shall be divided into seven districts for the election of judges, and until otherwise provided by law, they shall be as follows:

First District—The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski and Massac.

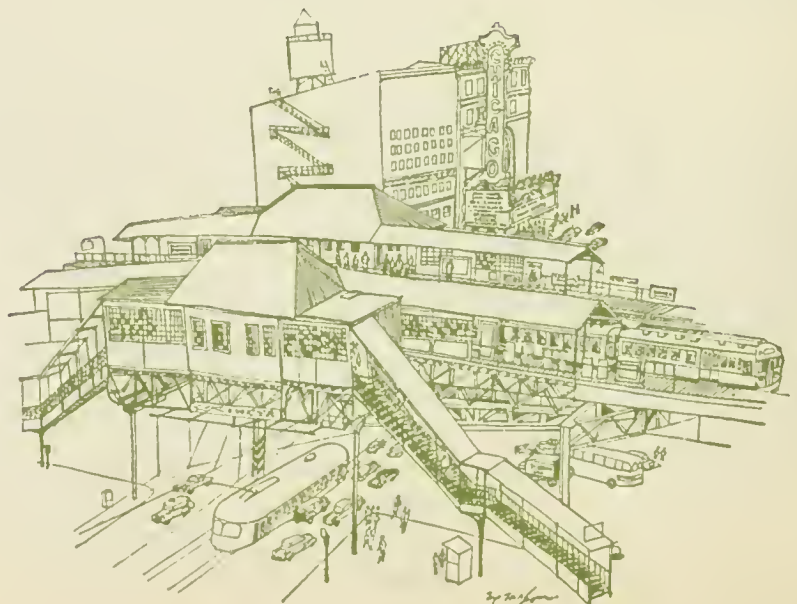
Second District—The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun and Christian.

To be a supreme court judge, a person must be (1) thirty years of age, (2) a citizen of the United States, (3) a resident of Illinois for five years before his election, and (4) a resident of the district that elects him.

Note the last sentence in this section. A law was passed in 1897 doing away with the grand divisions. Now the court meets only in Springfield. With modern transportation one meeting place is enough.

For electing the seven judges of the supreme court, the state is divided into seven districts, as shown on the map below, unless the districts are changed by law.

Grand divisions no longer exist. The seven districts have never been changed by the General Assembly.



Third District—The counties of Sangamon, Macon, Logan, DeWitt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

Fourth District—The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

Fifth District—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, La Salle, Grundy and Woodford.

Sixth District—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, DeKalb, Lee, Ogle and Rock Island.

Seventh District—The counties of Lake, Cook, Will, Kankakee and DuPage.



The boundaries of the districts may be changed at the session of the General Assembly next preceding the election for judges therein, and at no other time; but whenever such alterations shall be made, the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

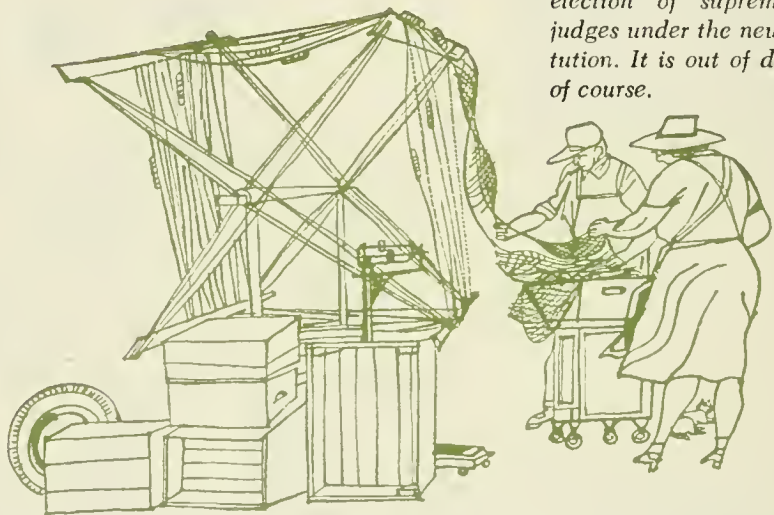
6. ELECTION. At the time of voting on the adoption of this Constitution, one judge of the Supreme Court shall be elected by the electors thereof, in each of said districts numbered two, three, six, and seven, who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy.

TERM OF OFFICE. The term of office of judges of the Supreme Court, elected after the adoption of this Constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this Constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges, in the respective districts wherein the term of such judges shall expire.

CHIEF JUSTICE. The Chief Justice shall continue to act as such until the expiration of the term for which he was elected, after which the Judges shall choose one of their number Chief Justice.

If the General Assembly changes the boundaries of the districts, the new districts must all be about equal in population, and each must be formed of counties near together. Judges from the old districts may finish the terms for which they were elected.

Notice that the second column does not say everything the first column does. The reason is that the seven districts have never been changed. It is not likely that they will be, either.



Section 6 refers to the first election of supreme court judges under the new Constitution. It is out of date now, of course.

Judges of the supreme court shall be elected for terms of nine years. Suppose that the term of a judge ends in a certain year. The election for a new nine-year term shall take place on the first Monday in June of the same year. The newly elected judge takes office as soon after this day as the vote total is officially known.

The next election for judges in districts 1, 2, 3, 6, and 7 will take place in June, 1960. The next election for the judges in districts 4 and 5 will take place in June, 1957.

The judges shall choose one of themselves to be chief justice. He is then chief justice until his nine-year term as judge is over.

7. SALARIES. From and after the adoption of this Constitution, the judges of the Supreme Court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the terms for which said judges shall have been elected.

8. APPEALS AND WRITS OF ERROR. Appeals and writs of error may be taken to the Supreme Court, held in the grand division in which the case is decided, or, by consent of the parties, to any other grand division.

9. REPORTER. The Supreme Court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the Court.

10. CLERK. At the time of the election for representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter, one clerk of said court for each division shall be elected.

Judges of the supreme court shall receive salaries of \$4,000 a year. One-fourth is to be paid every three months. The General Assembly may by law change the salaries of the judges. But the salary of a judge may not be changed, increased or decreased, during his nine-year term in office.

Appeals and writs of error may be taken to the supreme court. (Since the grand divisions have been done away with, the rest of this section no longer means anything.)

The supreme court shall choose a reporter. His term in office is six years. But the court may remove him at any time, if it wishes to do so.

A clerk of the supreme court shall be elected for a term of six years. (There are no longer three clerks, one for each of the three grand divisions. The grand divisions have been done away with.)

From 1870 to 1951, the General Assembly raised the judges' salaries several times, to \$18,000 a year. In 1951 the General Assembly raised the salaries of the judges from \$18,000 to \$20,000 a year. But the judges from districts 4 and 5 must stay at \$18,000 until they are elected for new nine-year terms in 1957.

A writ of error is a written request to put aside the result of a trial, based on the claim that a serious mistake was made in the trial.

An appeal is a written request to review a trial.

The reporter makes a complete record of everything said in meetings of the supreme court.

The clerk is elected by the voters of the entire state, every six years.





11. COURTS OF APPEALS. After the year of our Lord one thousand eight hundred and seventy-four inferior Appellate Courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the General Assembly may provide, may be prosecuted from Circuit and other courts, and from which appeals and writs of error shall lie to the Supreme Court, in all criminal cases, in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such Appellate Courts shall be held by such number of Judges of the Circuit Courts, and at such times and places, and in such manner, as may be provided by law; but no Judge shall sit in review upon cases decided by him; nor shall said Judges receive any additional compensation for such services.

After 1874 the General Assembly may form districts and set up courts of appeals in them. The appeals courts must be alike in the way they are set up and in their powers. Appeals and writs of error may be taken from the lower courts to the appeals courts in whatever types of cases the General Assembly decides. Appeals and writs of error may be taken from the appeals courts to the supreme court in these types of cases: (1) criminal cases; (2) franchises, which are agreements with gas, electric, and bus companies; (3) freeholds, or quarrels over the ownership of land; (4) questions about whether a law follows this Constitution; and (5) any other types of cases as decided by the General Assembly. The General Assembly shall also decide how many judges each appeals court may have, and where and when each appeals court shall meet. Judges of the appeals courts shall be taken from the judges of the circuit courts. Judges so chosen may not get extra pay. No appeals judge may review a case he decided when he was a circuit court judge.

Appeals and writs of error, are explained in Column 3, Section 8.

The General Assembly has used its powers to set up appeals courts. It has made Cook County appeals district 1. It has grouped the remaining counties into appeals districts 2, 3, and 4. District 1 has an appeals court divided into three divisions of three judges each. Districts 2, 3, and 4 have three judges each.

12. CIRCUIT COURTS. The Circuit Courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of Judges of Circuit Courts shall be six years.

There shall be circuit courts. They may hold trials in all kinds of cases. They may be appeals courts too, if the General Assembly says so in a law. A circuit court must hold trials at least twice a year in every county in its circuit. Circuit court judges shall have terms of six years.

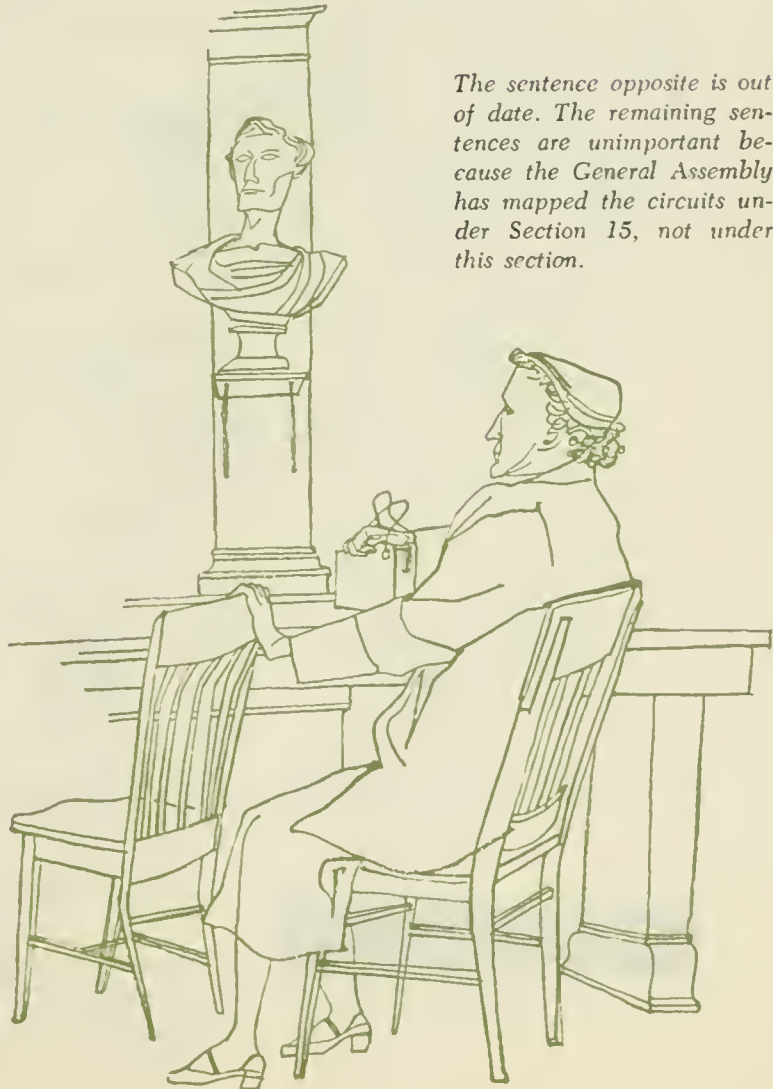
Circuit courts are the regular trial courts of the state. They can try any kind of case. Unimportant cases, however, are almost always judged in the justice-of-the-peace courts. See Section 21.

13. FORMING THE CIRCUITS. The State, exclusive of the county of Cook, and other counties having a population of one hundred thousand, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the Circuit Courts. Such circuits shall be formed of contiguous counties in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory and population, and shall not exceed in number one circuit for every one hundred thousand of population in the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the General Assembly, at its session next preceding the election for circuit judges, but at no other time:

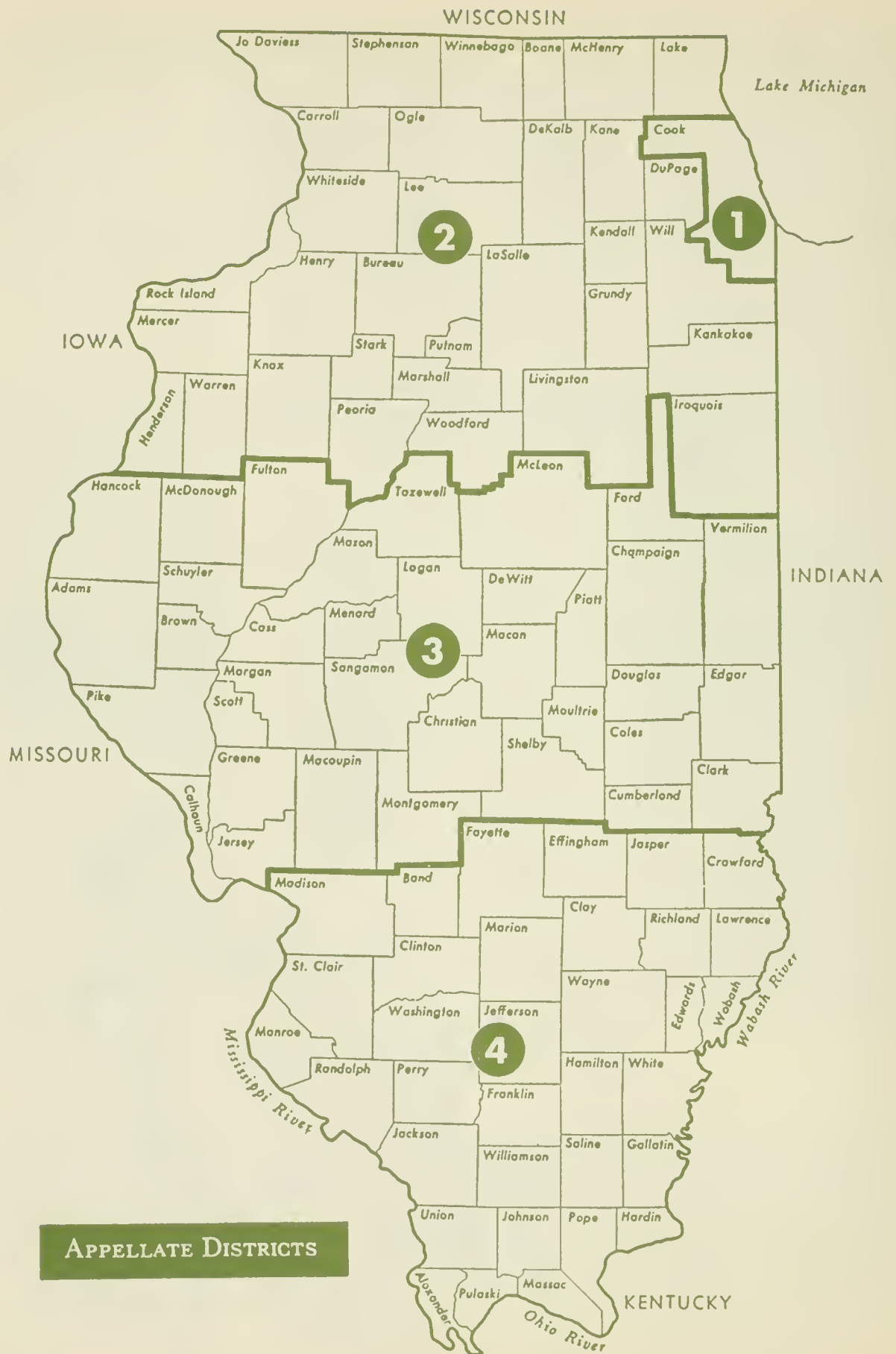
Provided, that the circuits may be equalized or changed at the first session of the General Assembly, after the adoption of this Constitution. The creation, alteration or change of any circuit shall not affect the tenure of office of any judge. Whenever the business of the Circuit Court of any one, or of two or more contiguous counties containing a population exceeding fifty thousand, shall occupy nine months of the year, the General Assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

The whole state, except Cook County and any other county having a population of 100,000 (No other county is that big.), shall be divided into judicial circuits. The counties shall be put together into groups called circuits. Each group, or circuit, shall be made up of counties close together. The circuits shall be about equal in size and population. There must not be too many circuits — no more than one for every 100,000 population. In each circuit, a circuit judge shall be elected. The General Assembly may change circuits or make new circuits. This change may not be made more often than once every six years, just before electing circuit judges.

Read Section 15. Section 15 takes the place of this section.



The sentence opposite is out of date. The remaining sentences are unimportant because the General Assembly has mapped the circuits under Section 15, not under this section.



JUDICIAL CIRCUITS

1. Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac, Ohio River

2. Wayne, Hamilton, White, Edwards, Wabash, Wabash River

3. St. Clair, Monroe, Randolph, Perry, Washington, Jefferson, Franklin, Williamson, Saline, Gallatin

4. Fayette, Effingham, Jasper, Crawford, Marion, Clay, Richland, Lawrence

5. Vermilion, Champaign, Piatt, Macon, Douglas, Edgar, Clark, Cumberland

6. DeWitt, Macon, Piatt, Douglas, Edgar, Clark, Cumberland

7. Greene, Macoupin, Jersey, Madison, Bond, Clinton, Washington, Jefferson, Franklin, Williamson, Saline, Gallatin

8. Adams, Schuyler, Brown, Cass, Morgan, Scott, Pike, Hancock, McDonough, Fulton, Peoria, Woodford, McLean, Ford, Vermilion

9. Henderson, Warren, Knox, Stark, Putnam, Marshall, Livingston, McLean, Ford, Vermilion

10. Peoria, Woodford, McLean, Ford, Vermilion

11. Livingston, McLean, Ford, Vermilion

12. Kankakee, Iroquois, Vermilion

13. LaSalle, Grundy, Kankakee, Iroquois, Vermilion

14. Henry, Bureau, LaSalle, Grundy, Kankakee, Iroquois, Vermilion

15. Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, DeKalb, Kane, Cook, DuPage, White, Lee, Kendall, Will, Rock Island, Mercer, Adams, Schuyler, Brown, Cass, Morgan, Scott, Pike, Hancock, McDonough, Fulton, Peoria, Woodford, McLean, Ford, Vermilion

JUDICIAL CIRCUITS

14. TIME OF MEETING: ELECTION OF JUDGES. The General Assembly shall provide for the times of holding court in each county; which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the Circuit Courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

15. LARGER CIRCUITS POSSIBLE. The General Assembly may divide the State into judicial circuits of greater population and territory, in lieu of the circuits provided for in section thirteen of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law.

16. SALARIES. From and after the adoption of this Constitution, Judges of the Circuit Courts shall receive a salary of three thousand dollars per annum, payable quarterly, until otherwise provided by law. And after their salaries shall be fixed by law, they shall not be increased or diminished during the terms for which said judges shall be, respectively, elected, and from and after the adoption of this Constitution, no judge of the Supreme or Circuit Court shall receive any other compensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

The General Assembly shall decide when the circuit court meets in each county. The time may be changed by the General Assembly, but no oftener than once every six years. Changes may be made only by a General Assembly meeting that comes just before an election of judges. Circuit court judges are to be elected on the first Monday in June, 1873, and every six years afterward. The General Assembly may provide extra court meetings in any county.

Instead of having small circuits with one judge apiece, the General Assembly may make larger circuits. But no circuit may be so large that it would have to have more than four judges. In circuits of more than one judge, all the judges shall be elected by the voters of the entire circuit.

Circuit court judges shall be paid \$3,000 a year. One-fourth of the amount is to be paid every three months. The General Assembly may by law change the salaries of judges. But no judge's salary may be raised or lowered during his term in office. No judge of either the supreme court or the circuit courts shall receive any other pay for his work as judge. He may not do any other kind of work for pay, either.

If the General Assembly wanted to, it could set the time for the circuit court to meet in one particular county. This would not break the rule against special laws (see the last sentence of Section 22, Article IV).

The state has been divided by the General Assembly into seventeen circuits. In each of three circuits, there are four judges. In the remaining fourteen circuits, there are three judges each. The biggest judicial circuit has twelve counties. Two circuits have only three counties.

At the present time, the salary of circuit court judges is \$12,500 a year.

If the General Assembly raised the salaries of these judges, no judge now serving could get the increase. The only judges who could receive the larger salary would be those elected after the General Assembly raised the salaries.

17. WHO MAY BE JUDGES. No person shall be eligible to the office of Judge of the circuit or any inferior court, or to membership in the "Board of County Commissioners," unless he shall be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities, or incorporated town in which he shall be elected.

18. COUNTY COURTS. There shall be elected in and for each county, one county judge and one clerk of the county court, whose terms of office shall be four years. But the General Assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of, and exercise the powers and jurisdiction of county judges in such districts. County Courts shall be courts of record, and shall have original jurisdiction in all matters of probate; settlement of estates of deceased persons; appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices; and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

To be a judge in a circuit court or a lower court, a person must be (1) twenty-five years of age, (2) a citizen of the United States, (3) a resident of Illinois for the five years before his election, and (4) a resident of the circuit or district in which he is elected. These requirements also apply to members of the board of county commissioners of any county.

The lower courts include county courts, probate courts, justices of the peace, police magistrates, and municipal courts.

Only seventeen counties in Illinois have a board of county commissioners. See Section 5, Article X.

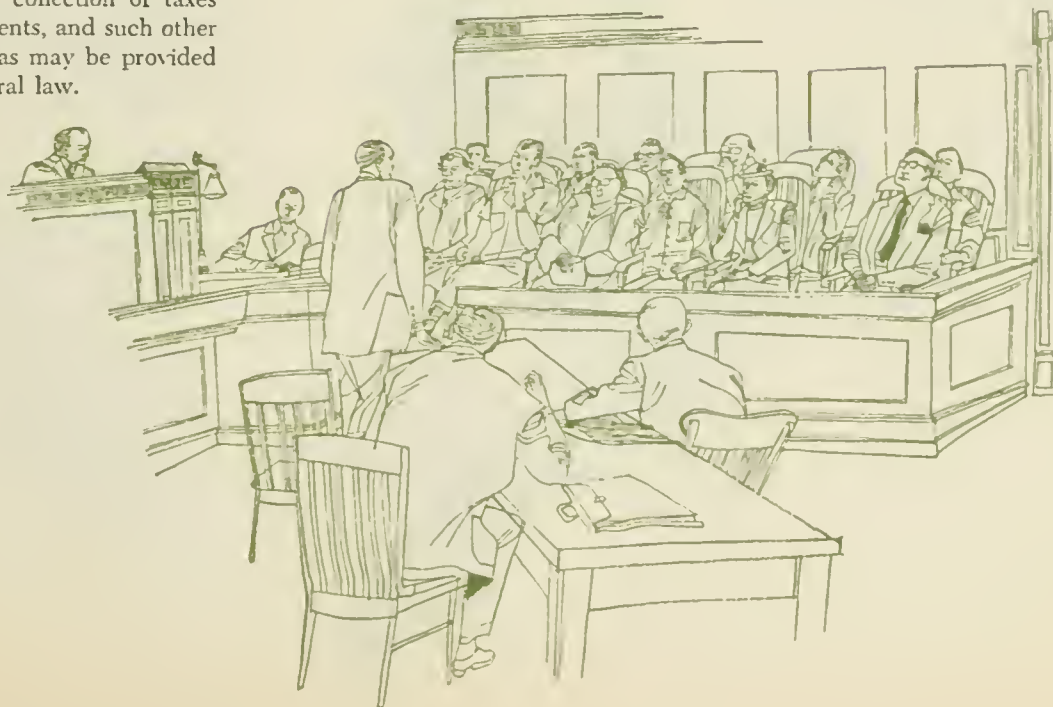
In each county there shall be a county judge and a county clerk. They shall be elected for terms of four years. The General Assembly may join two or more counties together to elect one judge for all of them. Counties put together in this way must be next to each other. County courts are courts of record. They shall try cases concerned with: (1) wills of persons who have died; (2) belongings of persons who have died; (3) choosing persons to guard children and insane people, and their belongings; (4) apprentices; (5) making people pay taxes, and (6) other cases the General Assembly wants them to try.

A matter of probate is something having to do with a will or the property of a person who has died.

A court of record is a court in which a complete and exact record is kept of everything said.

Original jurisdiction refers to trying cases the first time, not to reviewing them on appeal.

The General Assembly has given to the county courts all cases arising out of election quarrels and disputes.



19. **APPEALS.** Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

20. **PROBATE COURTS.** The General Assembly may provide for the establishment of a Probate Court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices, and in cases of the sales of real estate of deceased persons for the payment of debts.

21. **JUSTICES OF THE PEACE; POLICE MAGISTRATES; CONSTABLES.** Justices of the peace, police magistrates, and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

The General Assembly may by law allow appeals and writs of error, in cases tried and decided by the county courts.

In any county of over fifty thousand population, the General Assembly may set up a probate court. It may also provide for the election of a probate judge, at the same time and in the same way as the county judge. Probate courts shall try cases concerning: (1) wills of persons who have died, (2) belongings of persons who have died, (3) selection of persons to guard children and insane people, and their belongings, (4) apprentices, and (5) real estate owned by persons who have died and that must be sold to pay their debts.

The General Assembly shall decide how to elect justices of the peace, police magistrates, and constables. Police magistrates must try the same kinds of cases as justices of the peace.

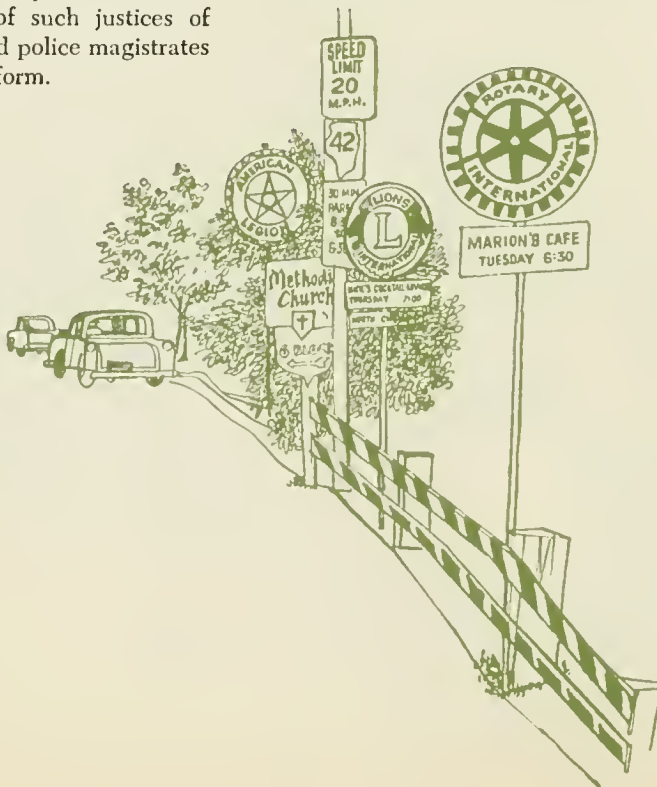
To recall what "appeals" and "writs of error" are, review Section 8 of this article.

The county court handles tax cases and election cases.

Two to five justices of the peace are elected in each township (or in each election district, if a county has not been divided into townships). A police magistrate may be elected in any city or village. For every justice of the peace, there is a constable elected too. Justices of the peace, police magistrates, and constables are elected for four years.

Justices of the peace and police magistrates try two kinds of cases. They try criminal cases, if the punishment is a fine of less than \$300. They try lawsuits between two persons, if they are quarreling about property valued at less than \$500.

Constables in townships are similar to sheriffs in counties. They have the power to arrest. They help the justices of the peace.



22. STATE'S ATTORNEY. At the election for members of the General Assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's Attorney in and for each county, in lieu of the State's Attorneys now provided by law, whose term of office shall be four years.

Starting with the regular election of 1872, a state's attorney shall be elected in each county. His term shall be four years.

The state's attorney is the lawyer for the county government. His biggest job is to present in circuit court the cases against persons accused of crimes.

23. COOK COUNTY COURTS. The county of Cook shall be one judicial circuit. The Circuit Court of Cook county shall consist of five judges, until their number shall be increased, as herein provided. The present Judge of the Recorder's Court of the city of Chicago, and the present Judge of the Circuit Court of Cook county, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected and until their successors shall be elected and qualified. The Superior Court of Chicago shall be continued, and called the Superior Court of Cook County. The General Assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county, over and above a population of four hundred thousand. The terms of office of the judges of said courts hereafter elected, shall be six years.

Cook County shall have its own circuit court. Cook County shall also have a superior court. The General Assembly may add to the number of judges in these courts. But there must not be more than one judge added to the first five judges for every 50,000 population over 400,000. The terms of circuit and superior judges shall be six years.

The circuit court of Cook County has twenty judges. The superior court of Cook County has thirty-six judges.

24. JURISDICTION: CHIEF JUSTICES. The judge having the shortest unexpired term shall be Chief Justice of the court of which he is judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be chief justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.

Every judge of the circuit and superior courts shall have the powers of a circuit judge. Different judges may try different cases at the same time. The circuit and superior courts shall each have a chief justice. He is to be the judge with the shortest term left. If two or more judges are tied for shortest terms, they shall "draw straws" to find out which one is to be chief justice.

For the powers of circuit judges, review Section 12 of this article.

25. SALARIES OF JUDGES AND STATE'S ATTORNEYS. The judges of the Superior and Circuit Courts, and the State's Attorney, in said county, shall receive the same salaries, payable out of the State treasury, as is or may be paid from said treasury to the circuit judges and State's Attorneys of the State, and such further compensation, to be paid by the county of Cook, as is or may be provided by law; such compensation shall not be changed during their continuance in office.

26. CRIMINAL COURT OF COOK COUNTY. The Recorder's Court of the city of Chicago shall be continued, and shall be called the "Criminal Court of Cook County." It shall have the jurisdiction of a circuit court, in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in criminal and *quasi* criminal cases shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said Criminal Court of Cook County shall be held by one or more of the judges of the Circuit or Superior Court of Cook county, as nearly as may be in alternation, as may be determined by said judges, or provided by law. Said judges shall be *ex officio* judges of said court.

In Cook County the superior and circuit judges shall receive the same salaries as other circuit judges. Their salaries shall be paid by the state. But Cook County may pay its judges an extra salary, if the General Assembly allows it. The same arrangement shall apply to the state's attorney of Cook County. No judge or state's attorney may have his salary changed during his term in office.

To the \$12,500 per year paid by the state to each judge, Cook County adds an extra \$7,000 a year to the salary of each circuit and superior judge.

There shall be a criminal court in Cook County. It shall have the power to try criminal cases and other cases that are like criminal cases. The judges of the criminal court shall be supplied by the circuit and superior courts of Cook County, each judge taking his turn in order.

The criminal court is not really a separate court, since it does not have its own judges.



27. CLERK OF SUPERIOR COURT.

The present Clerk of the Recorder's Court of the city of Chicago, shall be the Clerk of the Criminal Court of Cook county, during the term for which he was elected. The present clerks of the Superior Court of Chicago, and the present clerk of the Circuit Court of Cook County, shall continue in office during the terms for which they were respectively elected; and thereafter there shall be but one Clerk of the Superior Court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

28. JUSTICES OF THE PEACE IN CHICAGO. All justices of the peace in the city of Chicago shall be appointed by the Governor, by and with the advice and consent of the Senate, (but only upon recommendation of a majority of the judges of the circuit, superior and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceeding in the circuit or superior court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.

29. UNIFORM COURTS. All judicial officers shall be commissioned by the Governor. All laws relating to courts shall be general, and of uniform operation; and the organization, jurisdiction, powers, proceedings and practice of all courts, of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such courts, severally, shall be uniform.



The governor shall tell newly elected judges that they have been elected. All courts of the same class shall be as nearly alike as possible. All laws about courts shall apply to all courts.

This section is not clear. We do know that Cook County has had, since the Constitution of 1870, three clerks: one for the superior court, one for the circuit court, and one for the criminal court. All three are elected for terms of four years.

Review Article IV, Section 34. There you read that the General Assembly may set up a municipal court in Chicago. If it does, the justices of the peace in Chicago may be done away with. In 1905 the General Assembly set up such a court, and did away with justices of the peace in Chicago.

So this section has no effect any more.

Courts of the same class would be all circuit courts, or all justices of the peace courts, and so on.

When a lawyer has learned how a court works in one county, he has learned how the same court works in all other counties in Illinois.

30. REMOVING JUDGES AND OTHER JUDICIAL OFFICERS. The General Assembly may, for cause entered on the journals, upon due notice and opportunity of defense, remove from office any judge, upon concurrence of three-fourths of all the members elected, of each house. All other officers in this article mentioned, shall be removed from office on prosecution and final conviction, for misdemeanor in office.

31. JUDGES' REPORTS. All judges of courts of record, inferior to the Supreme Court, shall, on or before the first day of June, of each year, report in writing to the judges of the Supreme Court, such defects and omissions in the laws as their experience may suggest; and the judges of the Supreme Court shall, on or before the first day of January, of each year, report in writing to the Governor such defects and omissions in the Constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. And the judges of the several circuit courts shall report to the next General Assembly the number of days they have held court, in the several counties composing their respective circuits, the preceding two years.

32. TERMS IN OFFICE; DUTIES. All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is, or may be, provided by law.

The General Assembly may charge a judge with doing something that makes him unfit to continue as a judge. The judge must have a chance to defend himself. If, then, three-fourths of the members of each house vote to remove him, he is removed from office. All other judicial officers shall be removed from office if found guilty of a crime.

Each year, all judges of courts of record shall report in writing the laws they believe are faulty. These reports are to be made to the judges of the supreme court, before June second. Before January second of each year, the judges of the supreme court shall report in writing to the governor. Their report is to contain a list of faults in the Constitution and laws. It must also contain the changes that the judges believe would correct the faults. Every two years, every circuit court judge shall report to the General Assembly the number of days he held court in each county in his circuit.

All judges and other court officers shall keep their jobs until the persons elected or chosen to follow them are ready to start. They must live in the district electing them, or from which they were chosen. Terms in office shall be four years, unless this Constitution fixes a different term. The General Assembly may say in laws, what duties court officers have, on top of the duties set up in this Constitution. The General Assembly may also fix the salaries of judges and court officers.

The other officers are state's attorneys, clerks of the courts, justices of the peace, police magistrates, and constables.

Do you remember what a court of record is? Review Section 18.

Only rarely do judges report faults in the laws, as they see them. Maybe they think there are no faults in the laws!

Remember that judges of the supreme court are elected for nine years, and judges of the circuit and superior courts are elected for six years.

VACANCIES. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment, as follows: Of judges, by the Governor; of clerks of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors, or board of county commissioners, in the county where the vacancy occurs.

33. FORM OF LAW ORDERS. All process shall run; *In the name of the People of the State of Illinois*; and all prosecutions shall be carried on; *In the name and by the authority of the People of the State of Illinois*; and conclude; *Against the peace and dignity of the same*. "Population," wherever used in this article, shall be determined by the next preceding census of this State, or of the United States.

ARTICLE VII

Suffrage

1. WHO MAY VOTE. Every person having resided in this State one year, in the county ninety days, and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord one thousand eight hundred and forty-eight, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of January, in the year of our Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

If someone elected to a court office dies or resigns, someone else shall be elected to take his place. But if the remaining term in office is less than one year, the new officer shall be appointed, not elected. The governor shall appoint judges. The judges of a court shall appoint their court clerk. The county board shall appoint other court officers.

Law orders of all kinds (including search warrants, arrest warrants, and so on) shall start with the words, *In the name of the People of the State of Illinois*. The written charge in all crime trials shall start with the words, *In the name and by the authority of the People of the State of Illinois*, and end with the words, *Against the peace and dignity of the same*. Population figures shall be those of the latest census.

Turn to sections 5 and 6, Article X, if you want to know what the county board is.

The purpose of this wording for all law orders is to make sure that everyone knows that the laws are based upon the authority of the people.



To be allowed to vote in Illinois, a person must meet these tests: (1) be a male citizen of the United States; (2) be twenty-one years of age; (3) have lived in Illinois for one year; (4) have lived in the county for ninety days; and (5) have lived in the district in which he votes for thirty days.

Female citizens can vote too. The Nineteenth Amendment to the federal Constitution says so.

The General Assembly cannot add extra tests to the list of five requirements for voting. It cannot, for example, say that only people who can read and write can vote.

2. **BALLOTS.** All votes shall be by ballot.

The purpose of this section is to provide secret voting, so that no one can tell how any particular person has voted. Review Section 18, Article II.

3. **FREEDOM TO VOTE.** Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

Voters may not be arrested while they are going to vote, voting, or returning from voting. But they may be arrested for treason, any serious crime, or bad behavior. No voter must do military duty on election days, unless there is war or some other danger to the people.

A voter is also called an elector.

4. **RESIDENCE.** No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States, or of this State, or in the military or naval service of the United States.

If a voter works for the United States government and his work forces him to leave the place where he lives; or if a voter works for the state government and his work forces him to leave the place where he lives; or if a voter joins the armed forces of the United States and is sent out of the state, the place where he lived is still his residence, in the eyes of the law, and he may vote there.

The purpose of this section is to preserve the right to vote for persons who must leave their homes on business for the state or national government. They vote by absentee ballot. The General Assembly has provided that persons away from home on election day on private business also may vote by absentee ballot.

5. **MILITARY MEN NONRESIDENTS.** No soldier, seaman or marine in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed therein.

No member of the armed forces of the United States is a resident of Illinois just because he is stationed in this state.

All states have this rule. A military man is a resident of the state he lived in when he joined the armed forces.

6. **REQUIREMENT FOR OFFICE.** No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

For a person to be an officer of the state government, he must be a citizen of the United States. He must also have lived in Illinois for one year before his election or appointment to the office.

The Illinois Supreme Court has said that this ruling applies to county and city officers, too.

However, employees, other than officers, do not need to meet these conditions.

7. **CRIMINALS WHO LOSE RIGHT TO VOTE.** The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

The General Assembly must pass laws taking the right to vote from persons found guilty of infamous crimes.

An infamous crime is a shamefully bad, very wicked crime.



ARTICLE VIII

Education

1. **SCHOOLS.** The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of this State may receive a good common school education.

The General Assembly must set up a complete system of schools that is not wasteful. In these schools, all Illinois children may receive, free, a good common school education.

A common school education includes elementary school and high school, but not college or university.

2. **GIFTS TO SCHOOLS.** All lands, moneys, or other property, donated, granted or received for school, college, seminary or university purposes, and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

If land, money, or other property is given to help any kind of school, the gift must be used to help the school, and for no other purpose.

This section was written to make sure that gifts from the national government for schools would be used for schools. The federal gifts were mostly land.

3. **NO STATE HELP TO RELIGIOUS SCHOOLS.** Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation, to any church, or for any sectarian purpose.

The General Assembly must not give money or property to any church, to any school run by a church, or to help a particular religion. No city, school, or other local government may do so, either.

The idea in this section is to keep religious freedom by being sure that no religion receives help from any state or local government in Illinois. Also, review Section 3, Article II.

4. **TEACHERS NOT TO PROFIT BY BUYING BOOKS.** No teacher, State, county, township, or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used, in any school in this State, with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

No teacher or school officer may sell books or furniture to his own school system. The punishment for breaking this rule shall be fixed by the General Assembly.



5. COUNTY SUPERINTENDENT OF SCHOOLS. There may be a County Superintendent of Schools in each county whose qualifications, powers, duties, compensation, and time and manner of election, and term of office, shall be prescribed by law.

The General Assembly may provide for electing a county superintendent of schools in each county. The General Assembly may decide (1) when and how he is to be elected, (2) how long he shall hold office, (3) his powers and duties, (4) his rate of pay, and (5) what standards a person must meet to hold the job.

The General Assembly has provided for a county superintendent of schools in every county. He is elected for four years. He must be a college graduate and have a master's degree. He must have had four years as a public school teacher.



ARTICLE IX

Revenue

1. TAXATION. The General Assembly shall provide such revenue as may be needful by, levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property — such value to be ascertained by some person or persons, to be elected or appointed in such manner as the General Assembly shall direct, and not otherwise; but the General Assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor-dealers, toll bridges, ferries, insurance, telegraph and express interests or business, vendors of patents, and persons or corporations owning or using franchises and privileges, in such manner as it shall, from time to time, direct by general law, uniform as to the class upon which it operates.

The General Assembly may raise money by taxes. Property may be taxed. The value of a piece of property shall determine the amount of tax upon it. The General Assembly shall decide who is to fix the value of each piece of property. The General Assembly shall also have the power to tax peddlers, auctioneers, brokers, hawkers, merchants, sellers paid by commissions, showmen, jugglers, innkeepers, grocery-keepers, liquor dealers, toll bridges, ferries, insurance companies, telegraph companies, express companies, sellers of patents, gas companies, electric companies, telephone companies, streetcar and bus companies, and railroad companies. Within each of these classes, the rate of tax shall be the same.

Taxes may be collected by local governments as well as the state government. Property taxes, in fact, are collected only by local governments. The state no longer collects property taxes.

2. **OTHER TAXES.** The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

3. **TAX EXEMPTIONS.** The property of the State, counties, and other municipal corporations, both real and personal, and such other property, as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law.

PUBLIC EASEMENTS. In the assessment of real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

4. **SALE TO PAY TAXES.** The general Assembly shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, county, municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer, of the county, having authority to receive State and county taxes; and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of some court of record.

The General Assembly may provide for taxing other persons and things, besides those listed in Section 1. But if done, the taxes must follow the same rules of taxation as stated in this Constitution.

The General Assembly may allow certain kinds of property to be set free of taxes. These kinds are (1) property owned by the state, (2) property owned by local governments, and (3) property used by agricultural societies, schools, churches, cemeteries, and nonprofit groups such as hospitals.

When the public has the right to cross land owned by someone, this right makes the land less valuable. This decrease in value must be allowed for in fixing the value of the property for taxing purposes.

A piece of real estate may be sold if the taxes on it are not paid. The General Assembly shall set up the way to sell such property. The way must include, in each county, turning the unpaid tax bills over to one officer of the county government. No one can sell the property except this officer. And he cannot sell it except under order of a court of record. All this shall apply to special assessments, too.

The taxing rules are: (1) property must be taxed according to its value; (2) every other kind of tax must be uniform.

There have been many lawsuits over the meaning of sections 1 and 2.

The General Assembly does free all such property from taxes.

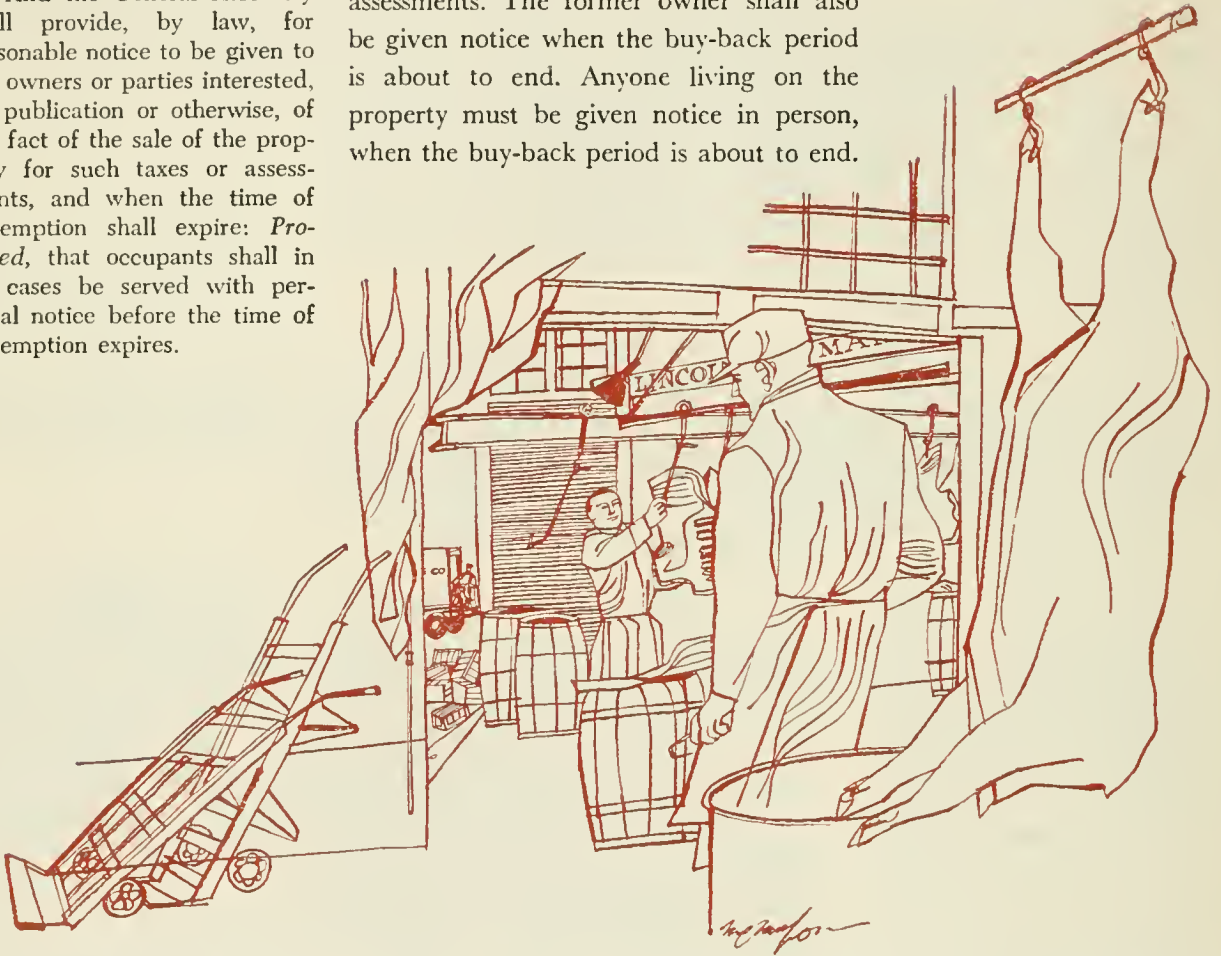
A public easement is the right of the public to cross privately owned property.

A special assessment is a share of the cost of a local improvement. For example, when a street is paved, the cost of the paving is paid by the property owners along the street. Each pays his share as a special assessment. See Section 9 of this article.



5. **BUYING BACK AFTER TAX SALE.** The right of redemption from all sales of real estate, for the non-payment of taxes or special assessments of any character, whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. And the General Assembly shall provide, by law, for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: *Provided*, that occupants shall in all cases be served with personal notice before the time of redemption expires.

The former owner of a piece of real estate sold for nonpayment of taxes or assessments shall have the right to buy it back. He shall have the right to buy back for at least two years after the sale of the property. The General Assembly shall set up a way to give an owner notice that his property is going to be sold to pay the taxes or special assessments. The former owner shall also be given notice when the buy-back period is about to end. Anyone living on the property must be given notice in person, when the buy-back period is about to end.



6. **NO RELEASE FROM STATE TAXES.** The General Assembly shall have no power to release or discharge any county, city, township, town or district, whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

Everyone must pay his share of state taxes. The General Assembly may not excuse any local government, or the people within its borders, from paying their state taxes in full.

Under the old Constitution, the General Assembly could do this. Sometimes it would excuse a county or city lying along a river from paying state taxes. The money would be used to build dikes and levees along the river.

7. **STATE TAXES INTO STATE TREASURY.** All taxes levied for State purposes shall be paid into the State treasury.

All taxes are paid to the state treasury in order to keep track of all state money.

8. COUNTY TAX LIMIT. County authorities shall never assess taxes, the aggregate of which shall exceed seventy-five cents per one hundred dollars' valuation, except for the payment of indebtedness existing at the adoption of this Constitution, unless authorized by a vote of the people of the county.

9. LOCAL IMPROVEMENTS. The General Assembly may vest the corporate authorities of cities, towns, and villages, with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform, in respect to persons and property, within the jurisdiction of the body imposing the same.

10. LOCAL TAXES. The General Assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under the authority of law, such taxes to be uniform in respect to persons and property, within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

11. LIMITATIONS ON LOCAL OFFICERS. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

The rate of the county tax on property must not be higher than seventy-five cents per \$100 of value. The people of a county may allow a higher rate by voting for it.

The General Assembly may give to the governments of cities, towns, and villages the power to build local improvements. The cost of such improvements may be paid through special assessments. The General Assembly may give to such governments the power to collect taxes to pay their running costs. The taxes must be uniform.

The General Assembly may not levy taxes to pay for the cost of running local governments. Only the local governments themselves may do that. The taxes each local government levies must be uniform. The General Assembly can force local governments to levy taxes to pay their debts. But private property may not be seized and sold to pay the debts of a local government.

If a person has had a job collecting or keeping the money or property of a local government and some of the money or property is missing, he may not hold any office in the local government. The pay of an officer of a local government may not be raised or lowered during his term in office.

This limit on the county tax rate applies to the rate for the county government only, not to the rates for cities, townships, and school districts within the county.

Local improvements are streets, sidewalks, street lighting, sewer and water lines — all improvements that help the people living near them. Review Section 4 to see what special assessments are.

To levy taxes means to order that the taxes be paid.

A city tax would not be uniform if taxpayers in one part of the city paid taxes at one rate, and taxpayers in another part paid at a different rate.

12. LIMIT ON DEBT; PAYING THE DEBT. No county, city, township, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation, incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same.

(The rest of this section has to do with debts being made at the time the Constitution went into effect in 1870. This is, of course, long out of date.)

13. WORLD'S COLUMBIAN EXPOSITION. (This section was the fifth amendment to the Constitution. It was adopted in 1890. Its purpose was to allow Chicago to issue five million dollars of bonds to help pay for the 1890 World's Fair. The bonds had to be paid back in thirty years. This section is now out of date.)

ARTICLE X

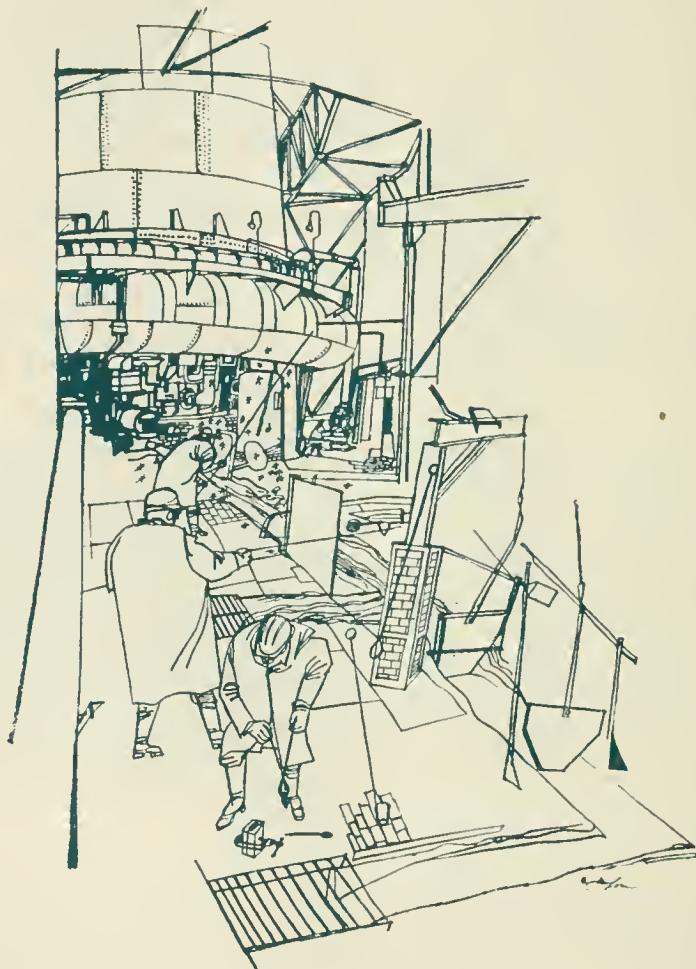
Counties

1. NEW COUNTIES. No new county shall be formed or established by the General Assembly, which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

No local government may pile up debts greater than five per cent of the value of all taxable property within its borders. When a local government borrows money, it must also levy a tax big enough to handle the debt. This means big enough to pay the interest on the debt and to pay the debt back within twenty years.

Each local government has its own five per cent debt limit. So if you live in a city and a school district, the debt limit where you live is fifteen per cent — five per cent for each government, including the county.

If the taxable property in a county is \$50,000,000 in value, what is the five per cent debt limit of the county government?



The General Assembly may not form a new county (1) if any county from which it is to be taken is made smaller than 400 square miles, (2) if the new county is smaller than 400 square miles, or (3) if a boundary line of the new county passes within ten miles of the county seat of a county being divided.

This section is written to keep the legislature from forming small counties and to prevent the running of new county lines too near to existing county seats.

2. VOTING REQUIRED TO DIVIDE A COUNTY. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county, voting on the question, shall vote for the same.

3. PETITION REQUIRED TO DIVIDE A COUNTY. There shall be no territory stricken from any county, unless a majority of the voters living in such territory, shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for, and obliged to pay its proportion of the indebtedness of the county from which it has been taken.

4. MOVING COUNTY SEATS. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and three-fifths of the voters of the county, to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no person shall vote on such question who has not resided in the county six months, and in the election precinct ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in ten years, to a vote of the people. But when an attempt is made to remove a county seat to a point nearer to the center of the county, then a majority vote only shall be necessary.

No county may be divided unless a majority of the county voters vote in favor of it. No part of a county may be taken away unless the voters of that county vote in favor of it.

To take part of a county away, a majority of the voters living in the part must sign their names to a petition, asking that this be done. But if part of a county is taken away, the part must still pay its share of the debt of the old county. To add land to a county, the voters of the county must vote in favor of adding the new part.

To move a county seat, the place it is to be moved to must be made public. Three-fifths of the voters of the county must vote in favor of moving the county seat to the new place. But if the new place is nearer the center of the county than the old county seat, a majority vote is enough. In any county, the question of moving the county seat must not be voted on more often than once in every ten years. To vote in a county-seat election, a voter must have lived in the county for six months and in his election district for ninety days before the election.

These rules about changing county boundary lines and moving county seats were important back in 1870. By now, however, county boundaries and county seats are well settled.



5. COUNTIES HAVING TOWNSHIPS. The General Assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine, and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the General Assembly may provide. And in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county; and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the State.

6. COUNTIES WITHOUT TOWNSHIPS. At the first election of County Judges under this Constitution, there shall be elected in each of the counties in this State, not under township organization, three officers, who shall be styled "The Board of County Commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

The General Assembly must pass a law setting up a pattern for township government. This law must also set up a pattern for county government. The voters of any county may vote to divide the county into townships. Later on, the voters of the county may vote to do away with townships. No two townships shall have the same name. The day for the yearly township meeting shall be the same for all townships in the state.

The General Assembly provides for the election of a township supervisor in every township, and an assistant supervisor in the larger townships. The supervisors and assistant supervisors from all the townships in a county meet together. They are the county board.

There are eighty-four counties in Illinois divided into townships, not including Cook County. Cook County has no townships within Chicago, but it has townships in the rest of the county.

A township with a government is not the same as a congressional township. A congressional township is simply a surveying unit; it has no government.



A board of county commissioners shall be elected in each county not divided into townships. There shall be three commissioners forming the board. One shall be elected by the county voters every year, for a term of three years.

Non-township counties have a board of commissioners instead of a board of supervisors.

There are seventeen counties in Illinois without townships, all in the southern or middle part of the state. They were settled by people from the southern states. The southern states have no townships, only counties.

7. COOK COUNTY. The county affairs of Cook county shall be managed by a Board of Commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago, and five from towns outside of said city, in such manner as may be provided by law.

8. COUNTY OFFICERS; THEIR TERMS. In each county there shall be elected the following County Officers at the general election to be held on the Tuesday after the first Monday in November A.D. 1882, a County Judge, County Clerk, Sheriff and Treasurer, and at the election to be held on the Tuesday after the first Monday in November A.D. 1884, a Coroner and Clerk of the Circuit Court (who may be *ex officio* recorder of deeds, except in Counties having 60,000 and more inhabitants, in which Counties a Recorder of deeds shall be elected at the general election in 1884) each of said officers shall enter upon the duties of his office, respectively on the first Monday of December, after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified. *Provided* that no person having once been elected to the office of Sheriff or Treasurer shall be eligible to reelection to said office for four years after the expiration of the term for which he shall have been elected.

Cook County shall have a board of fifteen commissioners. Ten shall be elected from Chicago. Five shall be elected by the rest of the county.

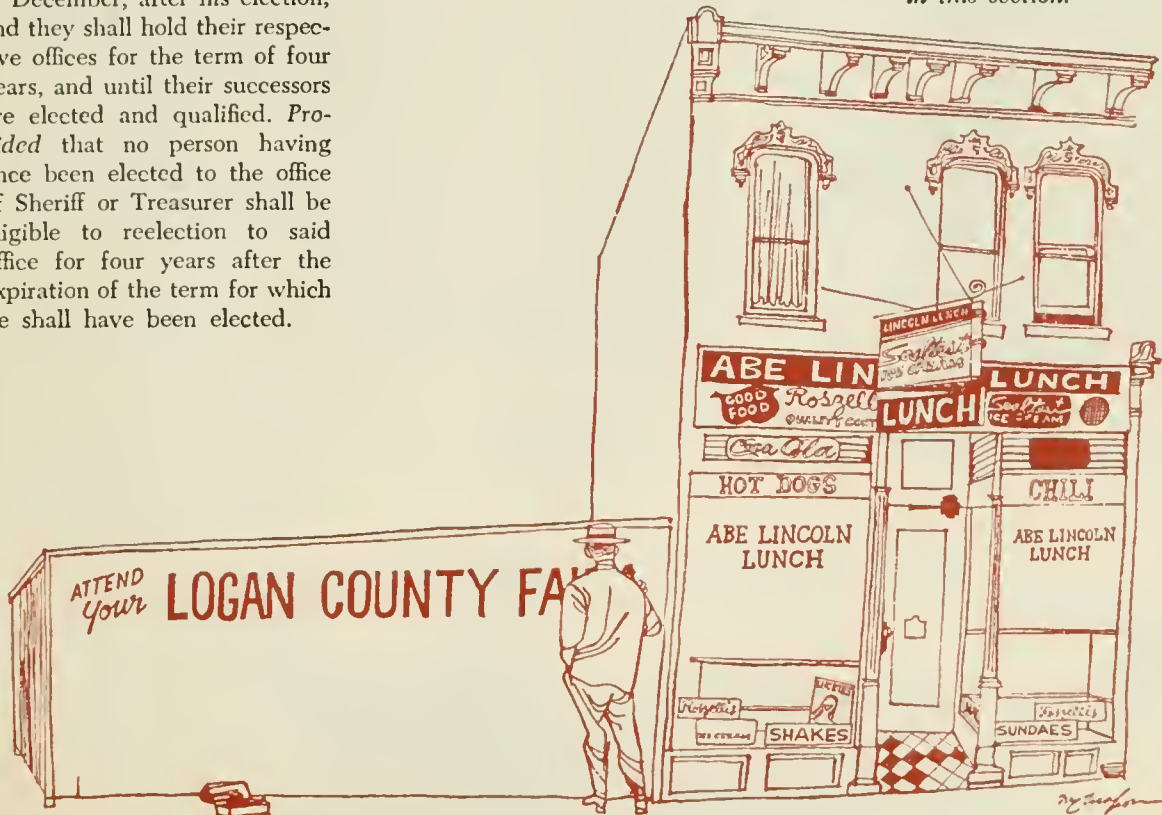
These county officers shall be elected in 1882 and every four years afterward: county judge, county clerk, sheriff, and treasurer. These county officers shall be elected in 1884 and every four years afterward: coroner, clerk of the circuit court, and in counties of 60,000 or more, recorder of deeds. In smaller counties the clerk of the circuit court shall act as recorder of deeds. The terms of all these officers shall begin on the first Monday in December after they are elected. A person elected to be sheriff or treasurer may not hold the same office again for four years after his term ends.

The effect of this section is to require all counties to have these officers, and to have them elected, not appointed.

County judges, county clerks, sheriffs, and treasurers will be elected in 1958, 1962, 1966, and so on. Coroners, clerks of the circuit court, and recorders of deeds will be elected in 1956, 1960, 1964, and so on.

Article VI, Section 22, requires all counties to elect state's attorneys. They are elected along with the coroners in 1956, 1960, and so on.

The second amendment to the Constitution, adopted in 1880, made several changes in this section.



9. SALARIES OF COOK COUNTY OFFICERS. The clerks of all the courts of record, the Treasurer, Sheriff, Coroner and Recorder of Deeds of Cook county, shall receive as their only compensation for their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a Judge of the Circuit Court of said county, and shall be paid, respectively, only out of the fees of the office actually collected. All fees, perquisites and emoluments (above the amount of said salaries) shall be paid into the county treasury. The number of the deputies and assistants of such officers shall be determined by rule of the Circuit Court, to be entered of record, and their compensation shall be determined by the County Board.

10. SALARIES OF OFFICERS IN OTHER COUNTIES. The county board, except as provided in Section 9 of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel and other expenses in such manner and subject to such limitations as may be prescribed by law, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected; Provided, that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received, in excess of their said compensation, shall be paid into the County Treasury.

In Cook County, the pay of these officers shall be salaries set by law: the clerks of the courts, treasurer, sheriff, coroner, and recorder of deeds. Their salaries must not be larger than the salaries of judges of the circuit court. Their salaries shall be paid from the fees they collect. If the total of fees is greater than their salaries, the extra money shall go into the county treasury. If the total of fees is less than their salaries, they may receive only the total collected. The circuit court shall decide how many helpers each of these officers may have. The pay of the helpers shall be set by the board of county commissioners.

In other counties, the county board shall set the salaries of all county officers. But an officer's salary may not be raised or lowered during his term of office. Salaries of officers shall be paid out of fees collected. If the total of an officer's fees is greater than his salary, the extra money shall go into the county treasury. If the total of fees collected is less than his salary, the officer may receive only the total collected. The county board shall decide how much money the officers may have for clerks, writing paper, fuel, and other expenses. The General Assembly may put limits on these expenses.

Fees collected are always larger than the salaries, so no officer is forced to take a cut in his salary.

Salaries are usually set at so much per year. The total salary is divided into twelve equal monthly payments so that the officer does not have to wait until the end of the year to receive payment.

This section was changed to its present language by the ninth amendment, which was adopted in 1952. Before the amendment, this section set limits on the salaries of county officers. The limit depended upon the population of the county.

11. FEES OF TOWNSHIP AND COUNTY OFFICERS. The fees of township officers, and of each class of county officers, shall be uniform in the class of counties to which they respectively belong. The compensation herein provided for shall apply only to officers hereafter elected, but all fees established by special laws shall cease at the adoption of this Constitution, and such officers shall receive only such fees as are provided by general law.

12. FEES SET BY GENERAL LAW. All laws fixing the fees of State, County and Township officers shall terminate with the terms, respectively, of those who may be in office at the meeting of the first General Assembly after the adoption of this constitution; and the General Assembly shall, by general law, uniform in its operation, provide for and regulate the fees of said officers and their successors, so as to reduce the same to a reasonable compensation for services actually rendered. But the General Assembly may, by general law, classify the counties by population into not more than three classes, and regulate the fees according to class.

This article shall not be construed as depriving the General Assembly of the power to reduce the fees of existing officers.

13. REPORTS BY FEE OFFICERS. Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report, under oath, to some officer to be designated by law, of all his fees and emoluments.

Counties are grouped by population classes. In all counties in one population class, the fees of township and county officers shall be uniform. Any special fees must stop when this Constitution goes into effect.

The General Assembly shall set the fees of state, county, and township officers. The General Assembly must do this in a general and uniform law. The object of the law is to get reasonable fees. The General Assembly may group counties into no more than three population classes, and set different fees in each class.

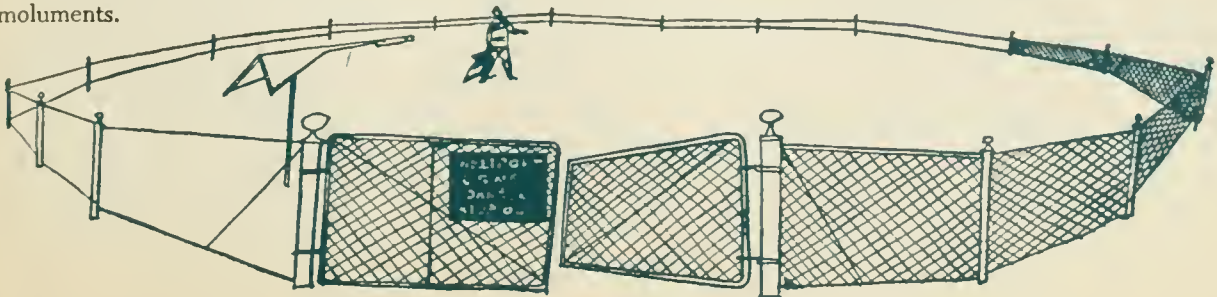
This article does not take from the General Assembly its power to reduce the fees of existing officers.

This section does not affect the pay of officers. Pay was the subject of sections 9 and 10. The purpose of this section is to keep the fees the public must pay reasonable in amount.



A fee officer is an officer who is paid in whole or in part by fees. Every fee officer must report the amount of his fees twice a year. The officer to whom the reports are to be made shall be decided by law.

Within counties, fee officers must send their reports to the chairman of the county board.



ARTICLE XI

Corporations

1. CHARTERING CORPORATIONS. No corporation shall be created by special laws, or its charter extended, changed, or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State, but the General Assembly shall provide by general laws, for the organization of all corporations hereafter to be created.

2. CANCELLING UNUSED SPECIAL CHARTERS. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

3. ELECTING CORPORATION DIRECTORS. The General Assembly shall provide, by law, that in all elections for Directors or managers of incorporated companies every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

Corporations shall not be chartered by special laws. Corporation charters may not be changed by special laws. The General Assembly must set up in general laws the ways of chartering corporations. This does not apply to charity, educational, or prison corporations run by the state.

All unused special charters are cancelled. An unused special charter is one that has not been put in use within ten days after the date this Constitution goes into effect.

Corporation directors are elected by the owners of the corporation. Each owner has one or more shares of stock of the corporation. In electing directors, the owner of one share of stock shall have as many votes as there are directors to be elected. He may cast his votes in any way he wants to. He may even put all his votes on one candidate for director. The owner of more than one share of stock shall have as many votes as the number of his shares multiplied by the number of directors to be elected.

A corporation is a group of persons, doing business together under a single name, such as "Illinois Manufacturing Corporation." A corporation is treated as if it were a single person. The members of the group can change, but the corporation itself goes on.

To charter a corporation is to permit a group to start a corporation.

The purpose of this section is to keep the General Assembly from granting a special charter, with special favors, to one group and not to others.

Special charters granted before 1870, and which were in use in 1870, are allowed to continue.

A share of stock is a part of the ownership of a corporation. A corporation with 10,000 shares, for example, has its ownership divided into 10,000 parts. If this corporation were electing seven directors, how many votes would a person have who owns 100 shares? How many votes would there be in total?

4. STREET RAILROADS. No law shall be passed by the General Assembly, granting the right to construct and operate a Street Railroad within any city, town, or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street Railroad.

5. NO STATE BANK; VOTE ON BANKING LAWS. No State Bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes, now created, or to be hereafter created. No act of the General Assembly authorizing or creating corporations or associations, with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for or against such law.

6. LIABILITY OF BANK OWNERS. No stockholder of a banking corporation or institution shall be individually responsible or liable to its creditors for the liabilities of such banking corporation or institution under any constitutional or statutory provisions heretofore creating or declaring such stockholder responsibility or liability, provided, however, that any rights of creditors existing at the date of the adoption hereof shall not be impaired hereby, provided that action to enforce such stockholder responsibility or liability with respect to any existing bank liability which is payable on demand or for which a cause of action has already accrued shall be commenced within one year from the date

If the General Assembly grants to someone the right to build and run a street railroad in a city, town, or village, the officials of the city, town, or village government must agree, or the street railroad may not be built.

The state government may not start a bank of its own. The state government may not own shares of stock in a bank. If the General Assembly passes a law about starting banks, before the law may go into effect, it must be voted on by the people at the next regular election.

If a bank has to stop business because its debts are larger than the value of what it owns, the owners of shares of stock in the bank do not have to pay money to the bank to help meet its debts.

Note that both the state and the local government must give their permission.

A corporation is a bank if it has the power to take deposits of money and to make loans of money. Whether or not it calls itself a bank makes no difference.

There are lots of "state banks" in Illinois. But these are not banks owned by the state government. They are chartered by the state government, and they are privately owned.

This section was changed by the tenth amendment to the Constitution, approved in 1952. Before the change, the section required owners of banks that failed to pay money to the bank to help meet its debts. Each owner was required to pay an amount as great as the value of his stock, if that much was needed.

of the adoption hereof, and with respect to any other existing bank liability shall be commenced within one year from the time when the cause of action therefor first hereafter accrues against such banking corporation or institution, or could so accrue by demand. No law creating or declaring any such stockholder responsibility or liability shall be passed.

7. PAPER MONEY OF STATE BANKS. The suspension of specie payments by banking institutions, on their circulation, created by the laws of this State, shall never be permitted or sanctioned.

BANK REPORTS. Every banking association now, or which may hereafter be, organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs, (which shall be certified to, under oath, by one or more of its officers) as may be provided by law.

8. SAFETY OF PAPER MONEY. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of the State, of all bills or paper credit, designed to circulate as money, and require security, to the full amount thereof, to be deposited with the State Treasurer, in United States or Illinois State Stocks, to be rated at ten per cent below their par value; and in case of a depreciation of said stocks to the amount of ten per cent below par, the bank or banks owning said stocks shall be required to make up said deficiency, by depositing additional stocks.

LISTS OF BANK OWNERS. And said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer thereof, and to whom such transfer is made.

Banks chartered by the state may issue paper money. But they must always pay money of gold or silver to persons who ask for such money in exchange for their paper money.

Banks chartered by the state must publish, every three months, a correct report on their business. An officer of each bank must swear that the report is correct.

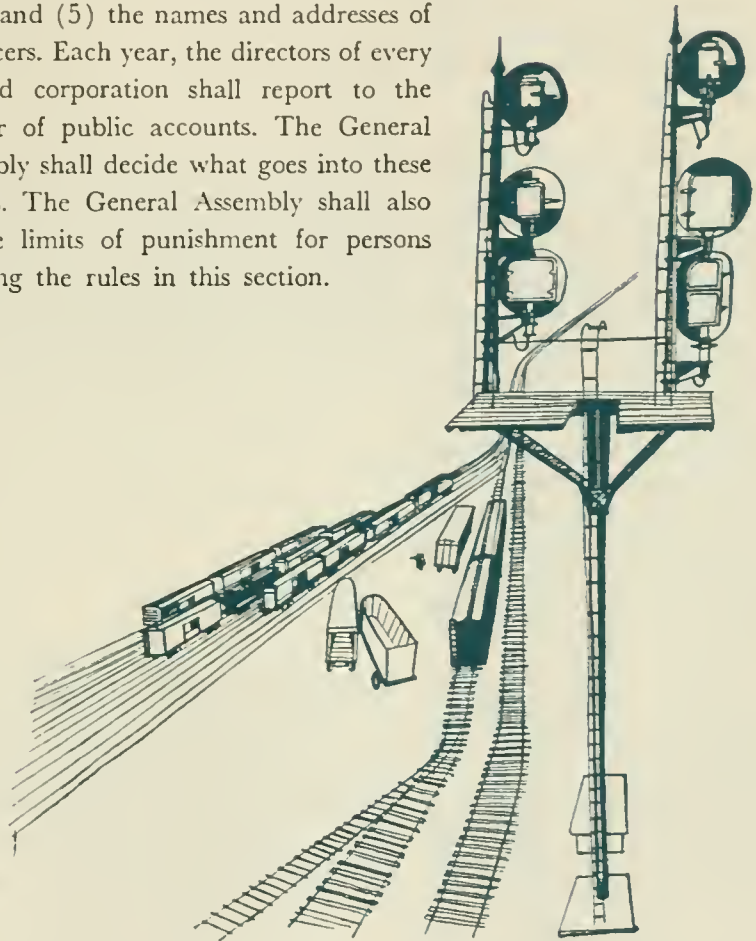
(This section contains rules to make sure that paper money issued by state banks will be safe. The rules have no effect, for state banks do not issue paper money. See Column 3, Section 7, above.)

Each state bank must keep a list of all its owners. For each owner, the list must show the number of shares he owns. If shares are sold, the names of the buyers must be shown.

This sentence has no practical effect. Under a law of Congress, state banks do not issue paper money.

9. RAILROAD CORPORATIONS. Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made and in which shall be kept for public inspection, books, in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall, annually, make a report, under oath, to the Auditor of Public Accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

Every railroad corporation doing business in Illinois must have a public office in this state. This office shall be the place where shares of stock in the railroad corporation can be bought and sold. Public records in this office must show (1) the number of shares of stock of the corporation, (2) the owners of the stock and how much each one owns, (3) purchases and sales of the shares of stock, (4) the value of the railroad's property, and the amount of its debts, and (5) the names and addresses of its officers. Each year, the directors of every railroad corporation shall report to the auditor of public accounts. The General Assembly shall decide what goes into these reports. The General Assembly shall also set the limits of punishment for persons breaking the rules in this section.



10. PERSONAL PROPERTY OF RAILROADS. The rolling stock, and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

All movable property of railroad corporations is personal property, not real estate. It shall be treated like all other personal property. The General Assembly may not pass laws excusing the movable property of railroads from being sold if the railroad does not pay its debts.

"Rolling stock" includes locomotives and cars.

11. COMBINING RAILROAD CORPORATIONS. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least 60 days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

12. PUBLIC USE OF RAILROADS; RAILROAD RATES. Railroads heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons, for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

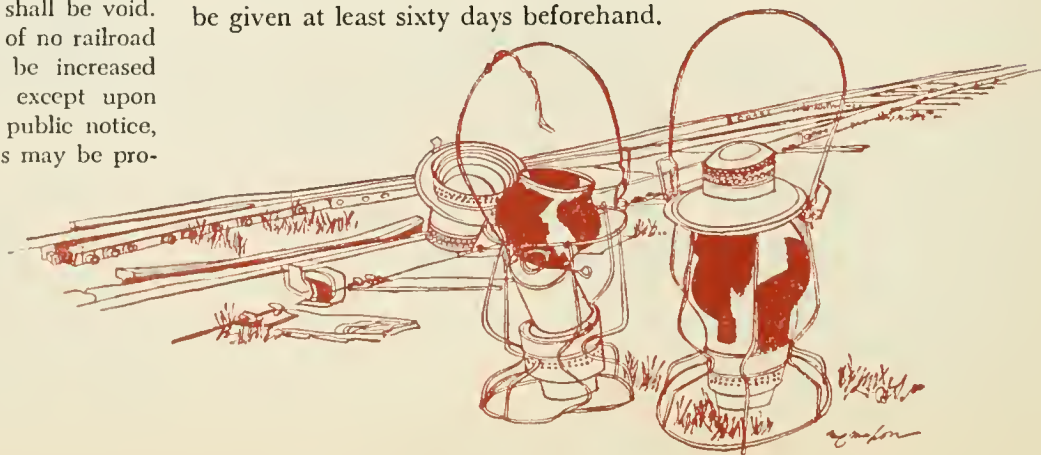
13. RAILROAD STOCK. No railroad corporation shall issue any stock or bonds, except for money, labor or property, actually received, and applied to the purposes for which such corporation was created; and all stock dividends, and other fictitious increase of the capital stock or indebtedness of any such corporation, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days public notice, in such manner as may be provided by law.

Two railroad corporations may not combine, if their tracks go between the same cities. Other railroad corporations, before combining, must give public notice to the owners of their shares of stock. This notice must be given at least sixty days before the date the railroads are to combine. For every railroad corporation formed in Illinois, more than half the directors must live in Illinois.

In Illinois the railroads must serve everyone who wants to use them. The General Assembly shall pass laws to make sure of this. The General Assembly shall also pass laws fixing the highest rates that railroads may charge passengers and freight.

Laws fixing rates usually do so on a per-mile basis; so much money for carrying a person a mile, or so much money per ton of freight for carrying it a mile.

If a railroad corporation sells some of its shares of stock or borrows money, the money it receives must be used for railroad purposes only. No railroad corporation may give some of its shares of stock to someone and receive nothing in return. If a railroad corporation sells additional shares of its stock, public notice of this sale must be given at least sixty days beforehand.



14. RAILROADS AND EMINENT DOMAIN. The exercise of the power, and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the General Assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

15. RAILROAD RATES. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

ARTICLE XII

Militia

1. MEMBERS. The militia of the State of Illinois shall consist of all able-bodied male persons, resident in this State, between the ages of eighteen and forty-five, except such persons as now are, or hereafter may be exempted by the laws of the United States, or of this State.

Land and buildings owned by corporations may be taken for government use, just as land and buildings owned by people may be taken. If someone claims that a corporation has taken his land without paying him a fair price for it, the claim must be decided in court by a jury.

The General Assembly must pass laws to correct unjust or high rates charged by railroads in this state. These laws shall apply to both passenger and freight rates. The laws must set the punishment for railroads that break the laws. The punishment may be as great as taking a railroad's property, or making it stop doing business.

The militia of Illinois shall include all men between eighteen and forty-five years of age, who live in Illinois, and who are in good physical condition. United States or Illinois laws may, however, excuse such men from being members of the militia.

For eminent domain, review Section 13, Article II.

There are two ideas in this section. One is that trial by jury must be followed in all cases in which a railroad takes property under the right of eminent domain. The other idea is that the government may take a railroad's property, under the government's right of eminent domain.

This section repeats the last part of Section 12, but states the rules more exactly and more sternly.

Members of the armed forces of the United States, for example, are not members of the state militia. The National Guard is a part of the state militia, except when on active duty for the United States. Men who are not in the National Guard do not all realize that they are members of the militia. They are, however. The purpose of this requirement is to permit the government to order all young men to duty in time of public danger, such as the Indian raids of long ago.

2. RULES FOR THE MILITIA. The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

3. OFFICERS. All militia officers shall be commissioned by the Governor, and may hold their commissions for such time as the General Assembly may provide.

4. FREEDOM FROM ARREST. The militia shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at musters and elections, and in going to and returning from the same.

5. KEEPING THE RECORDS. The military records, banners and relics of the State, shall be preserved as an enduring memorial of the patriotism and valor of Illinois, and it shall be the duty of the General Assembly to provide by law for the safe-keeping of the same.

6. CONSCIENTIOUS OBJECTORS. No person having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace: *Provided*, such person shall pay an equivalent for such exemption.

The General Assembly shall pass rules for running the militia. The rules shall be as nearly like the rules for armies of the United States as possible. The General Assembly shall also provide equipment for the militia.

Militia officers shall be chosen by the governor. The General Assembly may decide how long their terms shall be.

Members of the militia may not be arrested while going to, attending, or returning from militia meetings or elections. This does not apply if the arrest is for treason, another very serious crime, or disturbing the peace.

The records, flags, and souvenirs of military forces from Illinois shall be carefully kept. The General Assembly must provide for their safe-keeping. These objects will show the loyalty and bravery of Illinois.

No person whose conscience will not let him bear arms against other men shall be forced to do militia duty in time of peace. He must, however, pay someone to take his place.

It is natural for the governor to choose the militia officers. He is commander in chief of the militia. Review Section 14, Article V.

The flags of military units from Illinois are on display in the capitol in Springfield.

There are several religious groups whose members do not believe in bearing arms.

ARTICLE XIII

Warehouses

1. PUBLIC WAREHOUSES. All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

A public warehouse is a place where property is stored and rent is charged for doing so. A public warehouse is also an elevator where grain is stored and a charge is made for doing so.

2. PUBLIC WAREHOUSES IN CHICAGO. The owner, lessee or manager of each and every public warehouse situated in any town or city of not less than one hundred thousand inhabitants, shall make weekly statements under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in the office of such warehouse, and shall also file a copy for public examination in such place as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued, and are, at the time of making such statement, outstanding therefor; and shall, on the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse; and the different grades of grain shipped in separate lots, shall not be mixed with inferior or superior grades, without the consent of the owner or consignee thereof.

The person in charge of each public warehouse located in cities over 100,000 population must make a weekly report. This report must show the kind and amount of grain in the warehouse and other property there. A copy of this report shall be filed with an officer selected by law. Another copy shall be put on the wall of the office of the warehouse. Each day, upon this copy, the changes in the kinds and amounts of grain must be noted. Grain must not be mixed with better or worse grain, unless the owner or buyer agrees to it.

At the time this section was written, Chicago was the only Illinois city over 100,000 population. This section was aimed, therefore, at public warehouses in Chicago, especially at the grain elevators. Evidently the farmers of Illinois did not trust Chicago grain dealers!



3. LOOKING AT STORED PROPERTY. The owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored, and all the books and records of the warehouse in regard to such property.

The owner of property stored in a warehouse shall always have the right to look at his property. He may also look at the records covering his property.

This section applies to the entire state, not just to Chicago.

4. GRAIN SHIPMENTS. All railroad companies and other common carriers on railroads shall weigh or measure grain at points where it is shipped, and receipt for the full amount, and shall be responsible for the delivery of such amount to the owner or consignee thereof, at the place of destination.

5. DELIVERY OF GRAIN. All railroad companies receiving and transporting grain in bulk or otherwise, shall deliver the same to any consignee thereof, or any elevator or public warehouse to which it may be consigned, provided such consignee or the elevator or public warehouse can be reached by any track owned, leased or used, or which can be used, by such railroad companies; and all railroad companies shall permit connections to be made with their track, so that any such consignee, and any public warehouse, coal bank or coal yard may be reached by the cars on said railroad.

6. WAREHOUSE RECEIPTS. It shall be the duty of the General Assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts, and to give full effect to this article of the constitution, which shall be liberally construed so as to protect producers and shippers. And the enumeration of the remedies herein named shall not be construed to deny to the General Assembly the power to prescribe by law such other and further remedies as may be found expedient, or to deprive any person of existing common law remedies.

7. INSPECTION OF GRAIN. The General Assembly shall pass laws for the inspection of grain, for the protection of producers, shippers and receivers of grain and produce.

Railroad companies shall weigh grain at the places where it is shipped. A receipt must be given to the shipper for the full amount. The railroad company must deliver all the grain to the address to which it is shipped.

Railroad companies shall deliver grain to the elevator or public warehouse to which it is sent, if the elevator or warehouse is reached by a track of a railroad company. If it is not, the railroad must allow a track to be built from the elevator or warehouse and joined to the railroad. The same rule applies to coal mines and coal yards.

The General Assembly must pass laws punishing people who give false warehouse receipts. The General Assembly must pass laws putting this entire article into effect. The purpose of this article is to protect growers and shippers. The courts, in deciding cases, must realize this.

But if an "act of God" — an earthquake, a flood, or a terrible storm — were to wreck the train and destroy the grain, the railroad company would not have to make up the loss. If the grain were stolen, the company would have to make up the loss.

A false warehouse receipt, for example, would be one showing the wrong amount of grain.



The General Assembly must pass laws for inspecting grain. Their purpose shall be to protect growers, shippers, and receivers of grain and other farm products.



ARTICLE XIV

Amendments to the Constitution

1. AMENDMENT BY CONVENTION. Whenever two-thirds of the members of each house of the General Assembly shall, by a vote entered upon the journals thereof, concur that a Convention is necessary to revise, alter or amend the constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the General Assembly shall, at the next session provide for a convention, to consist of double the number of members of the Senate, to be elected in the same manner, at the same places, and in the same districts. The General Assembly shall, in the act calling the Convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the Convention in the performance of its duties. Before proceeding the members shall take an oath to support the Constitution of the United States, and of the State of Illinois, and to faithfully discharge their duties as members of the Convention. The qualification of members shall be the same as that of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said Convention shall meet within three months after such election, and prepare such revision, alteration or amendments of the Constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection, at an

This constitution may be changed by a convention. By a two-thirds vote in both houses, the General Assembly may put this question on the ballots of the next general election: "Shall we set up a convention to change or replace this constitution?" If more than half the voters vote "Yes," the General Assembly shall pass a law at the next meeting, to have a convention. The law must (1) set a date to elect the members of the convention; (2) have two members of the convention elected from each state senate district; (3) set the day, hour, and place for the convention to meet; (4) fix the pay of members and officers of the convention, and (5) set aside money to be spent for the expenses of the convention. For a person to be a member of the convention, he must be twenty-five years of age and a citizen of the United States. He must have lived for five years in Illinois, and for two years in the state senate district. Before starting their work, the members of the convention must promise to uphold the Constitution of the United States and the Constitution of Illinois. They must promise to do their work carefully and well. The convention must meet within three months after members are elected. The convention may change parts of the Constitution, or in revising it, even replace it by a new constitution. The work of the convention, when done, shall be voted on by the people. The convention must set an election day for this purpose. The day must be not less than two months, and no more than six months, from the time the convention finishes. The changes or the new constitution shall go into effect if more than half the voters vote in favor.

A convention was elected in 1922. The members wrote a new constitution. It was voted on by the people on December 12, 1922. The people turned it down. Other than this, there has never been a convention under the present Constitution.

The 1848 Constitution had the same kind of a section. Under it, a convention wrote the present Constitution. The people approved it on July 2, 1870.

election appointed by the Convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted and approved, by a majority of the electors voting at the election, no such revision, alterations or amendments shall take effect.

2. AMENDMENTS PRESENTED BY GENERAL ASSEMBLY. Amendments to this Constitution may be proposed in either House of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments, together with the yeas and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. Each proposed amendment shall be published in full at least three months preceding the election, and if either a majority of the electors voting at said election or two-thirds of the electors voting on any such proposed amendment shall vote for the proposed amendment, it shall become a part of this Constitution. But the General Assembly shall have no power to propose amendments to more than three articles of this Constitution at the same session, nor to the same article oftener than once in four years. The proposition for the adoption or rejection of the proposed amendment or amendments shall be printed on a separate ballot or in a separate column on the ballot as the General Assembly by law may provide and the votes thereon shall be cast by voting upon such separate ballot or in such separate column as the case may be.

Changes in the Constitution may be presented by the General Assembly. A two-thirds vote is required in both houses of the General Assembly. The way each member voted must be entered in the journals. The changes must be voted on by the people. The vote must take place on the next election day when members of the General Assembly are elected. Each change shall be printed in full at least three months before the election. If more than half the people voting in the election vote for the change, the change becomes a part of the Constitution. Or if more than two-thirds of the people voting on the change vote for it, it becomes a part of the Constitution. The General Assembly may not present changes in more than three articles at the same time. Changes in one article may not be presented oftener than once in four years. The changes shall be printed on a different ballot from other ballots used in the election. Or the changes may be printed in a different column on the regular ballots.

The eighth amendment to the Constitution, approved in 1950, changed this section. The amendment added the second way of approving a change. The second way is approval by a two-thirds majority of the people voting on the change.

The amendment also allows changes in three different articles to be voted on at the same election. Before, only one change at a time could be voted on.

Before the eighth amendment, the Illinois Constitution was one of the hardest constitutions in the United States to change. Many people voting in elections would refuse to vote on the amendment presented. If less than half the voters voted on the amendment, it could not win, even if everybody voting on it voted in favor of it.

Now the Constitution can be changed much more easily. The eighth amendment is called the "gateway amendment" for this reason.

Sections Not Numbered

ILLINOIS CENTRAL RAILROAD. No contract, obligation or liability whatever, of the Illinois Central Railroad Company, to pay any money into the State treasury, nor any lien of the State upon, or right to tax property of said Company, in accordance with the provisions of the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

The Illinois Central Railroad Company must pay to the state whatever money it owes the state, as set forth in the charter of the railroad company. The amount of money must never be lowered or excused. The money the state receives from the Illinois Central Railroad Company shall be used to pay the debts of the state government. After the debts are paid, the money shall be used to pay the running expenses of the state government.

When the General Assembly chartered the Illinois Central Railroad Company in 1851, it gave 2,595,000 acres of land to the railroad to help build its tracks from Galena and Chicago to Cairo. In return the railroad agreed to pay seven per cent of its income to the state, or taxes, whichever was greater. This yearly payment is the money referred to in this section.



LOCAL GOVERNMENTS NOT TO BUY STOCK. No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of, such corporation: *Provided, however,* that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

No local government may buy shares of stock in any railroad or other corporation. No local government may give or loan money to any such corporation. But if the people of a local government have already voted to buy stock, and present law allows it, they may do so.

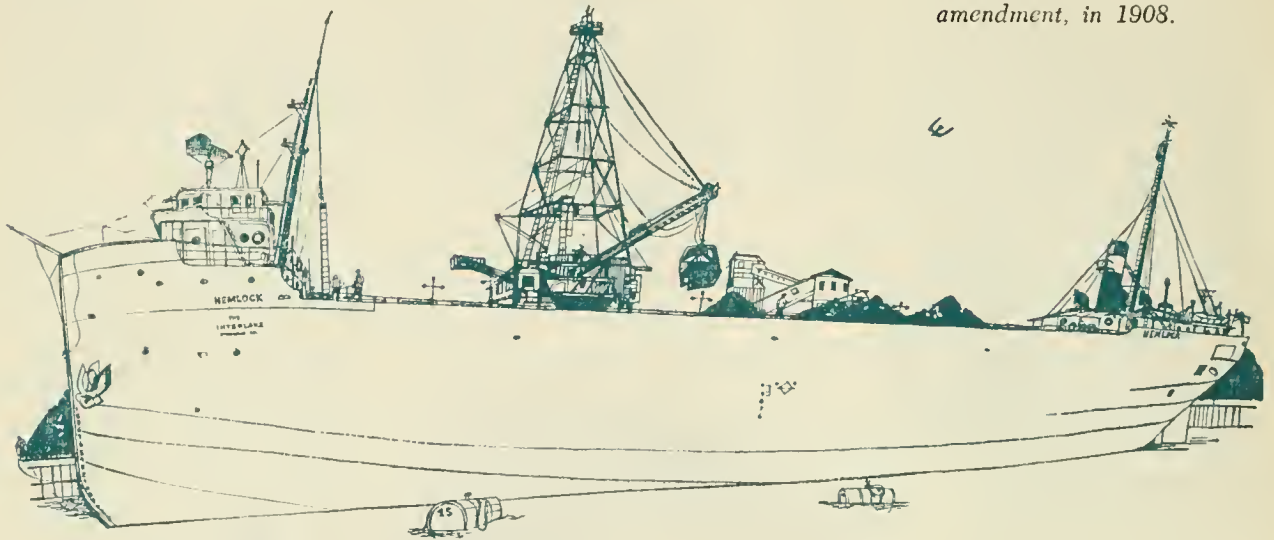
Each one of these unnumbered sections was voted on by the people separately from the main part of the Constitution. They could not be numbered, because no one could know in advance, which ones the people would approve, and which ones they would not approve. All of them passed.

CANAL. The Illinois and Michigan canal or other canal or waterway owned by the State may be sold or leased upon such terms as may be prescribed by law. The General Assembly may appropriate for the operation and maintenance of canals and waterways owned by the State.

Any canal or waterway owned by the state may be sold or rented. The terms shall be set in a law. The General Assembly may allow state money to be spent to keep up canals and waterways owned by the state.

This section used to be long. It was important back in the days before railroads. Most of the section was taken out by the thirteenth amendment to the Constitution, approved in 1954.

Before this amendment, the section had been amended once by the seventh amendment, in 1908.



CONVICT LABOR. Hereafter it shall be unlawful for the Commissioners of any Penitentiary, or other reformatory institution in the State of Illinois, to let by contract to any person, or persons, or corporations, the labor of any convict confined within said institution.

Prisoners serving sentences for crimes may not be loaned to do work for any private person or company.

The fourth amendment added this section in 1886.

Schedule

(When a new constitution takes the place of an old one, special rules must be made for a smooth changeover. These rules are the schedule. Almost all of them lose their effect after the changeover has been completed. Rules no longer effective are those in sections 1 to 4, 6 to 17, and 20 to 26. Another changeover is the schedule for the eleventh amendment, passed in 1954. This changeover will not be complete until 1958.

Only a few rules have a lasting effect. Only the sections of the schedule with lasting effect are given here.)

5. OTHER COURTS CONTINUED. All existing courts which are not in this Constitution specifically enumerated, shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

Present courts may continue even though they are not named in the Constitution. But they may be changed or replaced by law.

There are several city courts still operating in Illinois under this section.

18. ENGLISH LANGUAGE OFFICIAL. All laws of the State of Illinois, and all official writings, and the Executive, Legislative, and Judicial proceedings, shall be conducted, preserved and published in no other than the English language.

All laws and all other official writings of the state shall be in English. No other language may be used.

19. MAKING THE CONSTITUTION EFFECTIVE. The General Assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

The General Assembly shall pass all laws necessary to put this Constitution into effect.

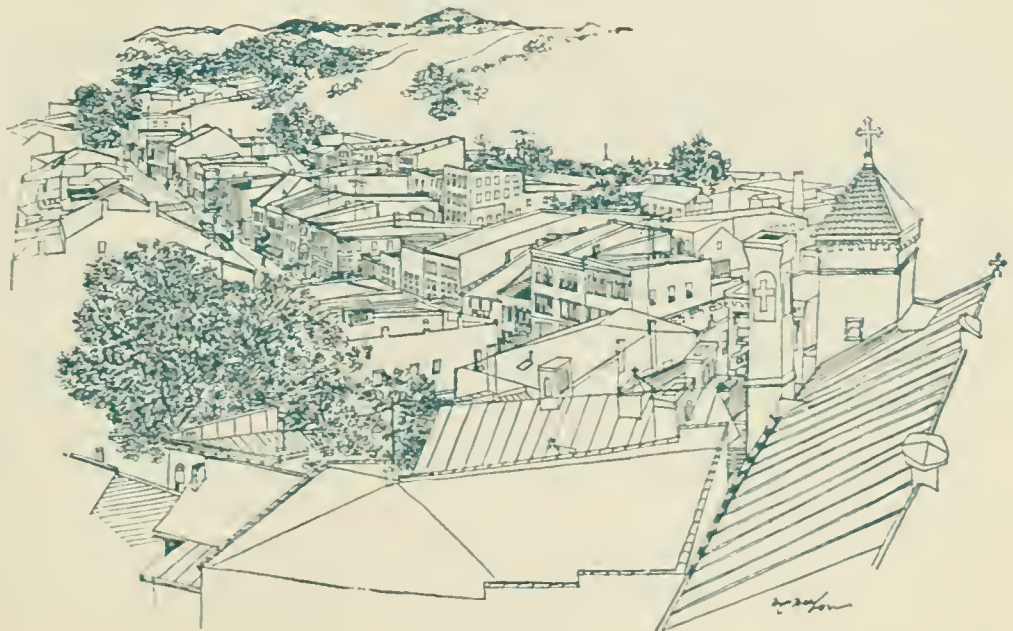
Attestation.

Done in convention at the Capitol, in the City of Springfield, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy, and of the Independence of the United States of America the ninety-fourth.

In witness whereof we have hereunto subscribed our names.

CHARLES HITCHCOCK,
President.

The Constitution was signed at Springfield on May 13, 1870. Seventy-nine members of the convention signed it, led by Charles Hitchcock, the president of the convention.



THE FLAG OF THE STATE OF ILLINOIS

The state flag of Illinois was adopted by act of the General Assembly in 1915. Prior to that year, Illinois had no state flag.

This oversight was remedied chiefly through the efforts of Mrs. Ella Park Lawrence of Galesburg, Illinois. From 1911 to 1914 she was State Regent of the Daughters of the American Revolution.

The Daughters of the American Revolution helped Mrs. Lawrence secure the adoption of the Illinois flag. The DAR held a contest in which state chapters of the organization submitted flag designs. There were thirty-five designs submitted in the contest. The contest judges were four officials of the state government. The contest winner was the Rockford chapter entry.

In 1915 the Rockford chapter design was authorized by the General Assembly to be the official state flag. The state emblem is made of white silk with a gold fringe. In the center there is an eagle with wings raised. The eagle holds in its beak a red banner bearing the motto, "State Sovereignty, National Union." One claw clasps a shield of stars and stripes. The shield covers an olive branch, which rests upon the stump of a tree upon which the eagle stands.

The design was taken from the Great Seal of the State of Illinois, which was made in 1868 from a design drawn for Sharon Tyndale, Secretary of State, and authorized by the General Assembly.



THE FLAG OF THE UNITED STATES OF AMERICA

A flag is a symbol. It stands for something. The flag of the United States is the chief symbol of our country. It stands for our people and our land, for our government and our ideals. The flag of the United States represents the nation we love. That is why it stirs pride and devotion in our hearts.

The flag of the United States was first described in a resolution of the Continental Congress, passed on June 14, 1777. The resolution said this, "*Resolved*, That the flag of the United States be thirteen stripes alternate red and white, that the union be thirteen stars white in a blue field representing a new constellation."

No one knows who first thought of this design for the flag. It may have been Betsy Ross.

In 1795 Congress changed the flag to fifteen stripes and fifteen stars. Vermont and Kentucky

had been added to the Union. Five more stars were added between 1795 and 1818, as five more states were admitted to the Union. The number of stripes remained at fifteen.

Congress passed a new flag law in 1818. The number of stripes was reduced to thirteen, to represent the thirteen original states in the Union. The number of stars was to be increased as new states joined the Union. Stars for new states are added on the July Fourth following the admission of a state. The law of 1818 is still in effect today.

Our national flag has several nicknames, including *The Stars and Stripes*, *The Star-Spangled Banner*, and *Old Glory*. It is often called *The American Flag*, but this is not its official name. Its official name is *The Flag of the United States of America*.

SAMPLE TEST TO ACCOMPANY THE CONSTITUTION OF ILLINOIS

This is a sample test in four forms: A, B, C, D. Each question covers the same topic in all four forms. Form A is the easiest. Form D is the most difficult.

FORM A

Name

Grade

Date

Directions: Each statement has several endings. Select the best ending for each statement and write the number of that ending in the space provided.

- 1. The Preamble to the Illinois Constitution (1) is the first paragraph of the Constitution (2) is found at the end of the Constitution (3) contains the names of the authors (4) is the name of the Constitution.
- 2. Freedom of religion (1) does not exist in Illinois (2) gives us the right to belong to any church we choose (3) means that priests and ministers can ride the railroads free (4) belongs only to people in large cities (5) means the government builds the churches.
- 3. Freedom of speech (1) is not mentioned in the Illinois Constitution (2) does not apply to women (3) does not apply to persons under twenty-one years of age (4) lets us speak and write freely, so long as we do not harm others.
- 4. No person can be put on trial for a crime (1) unless a grand jury votes to have him put on trial (2) unless a policeman sees him doing the crime (3) unless he tries to escape the police (4) unless he can pay the cost of the trial.
- 5. Homes may not be searched (1) at night (2) unless there is a good reason stated in a written order (3) unless a sheriff does it (4) on Sundays (5) for criminals.
- 6. The present Illinois Constitution went into effect in (1) 1818 (2) 1848 (3) 1870 (4) 1922 (5) 1954.
- 7. The powers of the state are divided into three departments: legislative, executive, and (1) criminal (2) civil (3) working (4) welfare (5) judicial.
- 8. The power to make laws belongs to the (1) Lawyers Guild (2) General Assembly (3) General Court (4) State Police (5) various courts of the state.
- 9. An election for members of the General Assembly is held (1) every New Year's Day (2) every twenty years (3) every two years, if the people ask for it (4) every four years.
- 10. Of the 58 districts from which state senators are elected (1) half of the districts elect two senators, and half elect one (2) fifty-seven are in Cook County (3) only 7 are in the southern part of the state (4) thirty-nine are downstate and 24 are in Cook County (5) only 11 stay the same from year to year.
- 11. Districts for the house of representatives (1) are all in Cook County (2) never change their size (3) are the same as senate districts (4) will be made over each ten years (5) are fewer in number than senate districts.
- 12. In electing members of the house of representatives, each voter has (1) one vote (2) two votes (3) three votes (4) four votes (5) five votes.
- 13. The Illinois Constitution does not allow the General Assembly to pass special laws (1) at any time (2) because they are so easy to pass (3) for any part of the state government (4) where general laws will do.
- 14. When the house of representatives charges a state officer with doing something bad, so that he should be removed from office, we say that he (1) is a prisoner (2) is impeached (3) is a criminal (4) has a debt to pay (5) is indicted.
- 15. The governor and lieutenant governor belong to the (1) legislative department (2) executive department (3) judicial department (4) governing department (5) department of state.
- 16. The governor has the power to call special meetings (1) of all Illinois citizens (2) to help clear the roads in winter (3) only in odd-numbered years (4) of the supreme court (5) of the General Assembly.
- 17. State officers are appointed by (1) the state supreme court (2) the people (3) the governor (4) the General Assembly (5) the senate.
- 18. The governor (1) is chosen by the General Assembly (2) has charge of the army and navy of the state (3) is elected every six years (4) is a member of the General Assembly (5) is head of the supreme court.
- 19. When the governor vetoes a bill he (1) tears it up (2) resigns (3) signs the bill (4) cuts it down in length (5) sends the bill and his objections back to the General Assembly.
- 20. The Illinois courts have (1) judicial powers (2) law-making powers (3) executive powers (4) no powers (5) court-making powers.
- 21. The number of judges in the Illinois Supreme Court is (1) three (2) five (3) seven (4) nine (5) fifteen.
- 22. Judges of the supreme court are (1) elected from districts (2) elected from the entire state (3) chosen by the governor (4) chosen by the General Assembly (5) selected from among the oldest trial judges.
- 23. Circuit courts have the power to hold trials (1) in all kinds of cases (2) in minor cases only (3) in cases handling circuit laws (4) in important cases only (5) four times a year.
- 24. A state's attorney is elected (1) in each city (2) in each county (3) in each township (4) every seven years (5) by the General Assembly.

- 25. The Illinois Constitution allows Cook County to have its own (1) legislature (2) capitol (3) circuit court (4) army (5) supreme court.
- 26. The Illinois Constitution sets up a court in Cook County different from the courts in the rest of the state. It is the (1) justice of the peace court (2) police court (3) supreme court (4) county court (5) criminal court.
- 27. To vote in Illinois, a person must meet all these tests except (1) be a citizen of the United States (2) be twenty-one years of age (3) be a resident of Illinois for one year (4) be a resident of the county for ninety days (5) be born in America.
- 28. The Illinois Constitution allows the General Assembly to provide for electing in each county (1) a truant officer (2) the school teachers (3) the high school principal (4) a county superintendent of schools.
- 29. The Illinois Constitution says that the value of a piece of property determines (1) the amount of taxes on it (2) what can be built on it (3) how many people can live on it (4) who may buy it (5) how many persons may own it.
- 30. The General Assembly may allow certain kinds of property to be set free of taxes. One of these kinds is (1) property owned by corporations (2) farm property (3) railroads (4) homes (5) property belonging to local governments.
- 31. The number of commissioners in Cook County is (1) three (2) fifteen (3) thirty-five (4) one hundred and two (5) none, because there is no such board in Cook County.
- 32. All of these officers are county officers except (1) treasurer (2) sheriff (3) coroner (4) mayor (5) state's attorney.
- 33. Unless the General Assembly says otherwise, all men who live in Illinois, who are between 18 and 45 years of age, and who are in good physical condition, are (1) state voters (2) ready for duty in the army (3) ready for joining a sheriff's posse (4) citizens of the United States (5) members of the state militia.
- 34. Proposed changes in the Illinois Constitution (1) must be approved by the voters (2) must be approved by the supreme court (3) must wait two years for approval (4) are started by the governor (5) are easy to make.
- 35. The 1950 Gateway Amendment made passing amendments to the Constitution (1) almost impossible (2) harder (3) easier (4) a slower process (5) possible if the governor approves.

FORM B

Name Grade Date

Directions: Each statement has several endings. Select the best ending for each statement and write the number of that ending in the space provided.

- 1. The Preamble to the Illinois Constitution (1) is found at the beginning of the Constitution (2) is found at the end of the Constitution (3) contains the Bill of Rights (4) is the name of the Constitution.
- 2. Freedom of religion (1) is given only to people who live in Illinois for two years or more (2) gives us the right to belong to any church we choose (3) applies only to citizens (4) belongs only to people who attend large city churches.
- 3. Freedom of speech (1) is not mentioned in the Illinois Constitution (2) does not apply to women (3) may be taken away by the governor (4) lets us speak and write freely, so long as we do not harm others.
- 4. No person can be put on trial for a crime (1) unless a grand jury votes to have him put on trial (2) unless he was caught in the act (3) unless he tries to escape the police (4) if he is too poor to pay the cost of the trial.
- 5. Homes may not be searched (1) if the owners do not want it (2) unless there is good reason stated in a written order (3) on Sundays and holidays (4) by anyone except the police (5) unless the owners give permission.
- 6. The present Illinois Constitution went into effect in (1) 1818 (2) 1848 (3) 1870 (4) 1922 (5) 1954.
- 7. The powers of the state are divided into three departments, and they are called (1) legislative, criminal, and judicial (2) legal, executive, and civil (3) juvenile, adult, and retirement (4) health, education, and welfare (5) legislative, executive, and judicial.
- 8. The legislative power belongs to the (1) Lawyers Guild (2) General Assembly (3) General Court (4) State Police (5) supreme and superior courts.
- 9. An election for members of the General Assembly is held (1) on the first Monday in November of each year (2) every twenty years (3) every two years (4) every year, if the people ask for it (5) every four years.
- 10. The state senatorial districts in Illinois (1) are 51 in number (2) are 58 in number, 57 of them in Cook County (3) are the same as the representative districts (4) are 58 permanent districts, unlike house districts that change with the population (5) change with changing population.
- 11. Districts for the house of representatives (1) were first set up in 1860 (2) never change their size (3) are the same as senate districts (4) will be made over each ten years (5) are fewer in number than senate districts.
- 12. In electing members of the house of representatives, each voter has (1) one vote (2) fifty-nine votes (3) three votes (4) a choice of two ways of voting (5) a majority vote.
- 13. The Illinois Constitution does not allow the General Assembly to pass special laws (1) unless the supreme court approves them (2) because they are so easy to pass (3) except on the third Wednesday in each month (4) for any part of the state government (5) where general laws will do.

- 14. When the house of representatives charges a state officer with doing something bad, so that he should be removed from office, we say that he (1) is impeccable (2) is impeached (3) is a criminal (4) has a debt to pay (5) is indicted.
- 15. The governor is the chief of the (1) legislative department (2) executive department (3) state judiciary (4) governing department (5) state department.
- 16. The governor has the power to call special meetings (1) of all Illinois citizens (2) to help clear the roads in winter (3) of the Governor's Council (4) of the supreme court (5) of the General Assembly.
- 17. State officers are appointed by (1) the supreme court (2) the Governor's Council (3) the governor (4) the General Assembly (5) the senate.
- 18. The governor (1) is elected by the General Assembly (2) has charge of the military and naval forces of the state (3) is elected every six years (4) is a member of the General Assembly (5) presides over the supreme court.
- 19. When the governor vetoes a bill he (1) tears it up (2) crosses out the parts he does not want (3) signs the bill (4) shortens it (5) sends the bill and his objections back to the General Assembly.
- 20. The Illinois courts have (1) judicial powers (2) law-making powers (3) powers of execution (4) plenary powers (5) franking powers.
- 21. The number of judges in the Illinois Supreme Court is (1) set by the General Assembly (2) five (3) seven (4) nine (5) determined by the number of cases awaiting trial.
- 22. Judges of the supreme court are (1) elected by districts (2) elected from the state at large (3) appointed by the governor (4) appointed by the General Assembly (5) selected by the directors of the bar.
- 23. Circuit courts have the power to hold trials (1) in all kinds of cases (2) in minor cases only (3) in divorce cases only (4) in important cases only (5) with a grand jury.
- 24. A state's attorney is elected (1) in each township (2) in each county (3) in each city (4) by the voters of the entire state (5) by the General Assembly.
- 25. In addition to its circuit court, Cook County is allowed to have (1) a supreme court (2) five district courts (3) a superior court (4) a narcotics court (5) an inferior court.
- 26. The Illinois Constitution sets up in Cook County a court different from the courts in the rest of the state. It is the (1) justice of the peace court (2) police court (3) circuit court (4) county court (5) criminal court.
- 27. To vote in Illinois, a person must meet all these tests except (1) be a citizen of the United States (2) be twenty-one years of age (3) be a resident of Illinois for one year (4) be a resident of the county for ninety days (5) be a resident of the city for ninety days.
- 28. The Illinois Constitution allows the General Assembly to provide for electing in each county (1) a truant officer (2) a weights inspector (3) the school teachers (4) the school principal (5) a county superintendent of schools.
- 29. The Illinois Constitution says that the value of a piece of property determines (1) the amount of taxes on it (2) what can be built on it (3) its use in the community (4) who may buy it (5) how many persons may own it.
- 30. The General Assembly may allow certain kinds of property to be set free of taxes. One of these kinds is (1) property owned by corporations (2) farm property other than homesteads (3) railroads (4) factories (5) property owned by local governments.
- 31. The number of commissioners in Cook County (1) is determined by the General Assembly (2) is fixed by the Constitution at fifteen (3) changes as population changes (4) is decided by vote of the people (5) is set by the Constitution at three.
- 32. All of these officers are county officers except (1) recorder of deeds (2) sheriff (3) coroner (4) auditor (5) state's attorney.
- 33. Officers of the state militia (1) must also belong to the United States Army (2) must retire at age fifty-one (3) must wear their uniforms at all times (4) are few in number (5) must be commissioned by the governor.
- 34. Proposed amendments to the Illinois Constitution are presented to the people for a vote if the General Assembly approves them by (1) a two-thirds majority in each house (2) a simple majority (3) an absolute majority vote (4) June 30th of each year.
- 35. The 1950 Gateway Amendment made passing amendments to the Constitution (1) almost impossible (2) harder (3) easier (4) faster (5) slower.

FORM C

Name _____ Grade _____ Date _____

Directions: Each statement has several endings. Select the best ending for each statement and write the number of that ending in the space provided.

- 1. The Preamble to the Illinois Constitution (1) contains the reasons why the Constitution was written (2) is found at the end of the document (3) contains the Bill of Rights (4) is extremely long and wordy (5) is copied exactly from the Constitution of the United States.
- 2. Freedom of religion (1) is listed under the powers of the governor (2) gives us the right to belong to any church we choose (3) begins at age twenty-one (4) is a part of freedom of the press (5) is guarded by the lieutenant governor.

3. Freedom of speech (1) is not protected by the Illinois Constitution (2) can be regulated by the county commissioners (3) may be taken away by the governor (4) is an outdated idea left over from colonial days (5) lets us speak and write freely, so long as we do not harm others.
- 4. No person shall be tried for a crime (1) unless a grand jury votes to have him tried (2) he did not commit (3) unless he tries to escape the police when arrested (4) until six months have elapsed since the crime was committed (5) in any other place than Chicago.
- 5. Homes are protected from search (1) if the owners object (2) unless proper search warrants have been made out (3) unless the owners are at home (4) by anyone except the police (5) but apartment houses are not.
- 6. The present Illinois Constitution went into effect in (1) 1818 (2) 1848 (3) 1870 (4) 1876 (5) 1922.
- 7. The powers of the state government (1) are divided among seven agencies (2) are not mentioned in the Constitution (3) are determined by the governor (4) are placed in the hands of the governor (5) are divided into three great divisions, or departments.
- 8. The legislative power belongs to (1) the General Legislature (2) the General Assembly (3) General Court (4) Article I of the Constitution (5) cities and villages, but not counties.
- 9. An election for members of the General Assembly is held (1) on the first Tuesday after the second Monday in November (2) whenever two-thirds of the seats are vacant (3) every even-numbered year (4) every year, if the people ask for it (5) every Leap Year.
- 10. The state senatorial districts in Illinois (1) were last changed in 1913 (2) are 58 in number, with 38 in Cook County (3) are the same as the representative districts (4) are 58 in number, and give permanent legislative power to the downstate area (5) change with changing population, every ten years.
- 11. Districts for the house of representatives (1) were first set up in 1860 (2) are the same as senate districts (3) must be redrawn if ten per cent of the voters request it (4) must be redrawn every ten years (5) vary in size according to the number of votes cast in elections.
- 12. In electing members of the house of representatives, each voter may cast (1) only one vote (2) a total of fifty-nine votes (3) three votes distributed among candidates as he sees fit (4) his total of two votes for only one candidate.
- 13. Special laws referring to particular persons, places or groups (1) are not allowed by the Illinois Constitution (2) make up a large part of the Constitution (3) may not last longer than ten years (4) are not mentioned in the Constitution (5) may not be passed where general laws will do.
- 14. When the house of representatives charges a state officer with doing something bad, so that he should be removed from office, we say that he (1) is impeccable (2) is impeached (3) is a criminal (4) has been impecunious (5) is indicted.
- 15. The governor is the most prominent member of the (1) General Assembly (2) executive department (3) state judiciary (4) governing department (5) appointive administrators.
- 16. The governor has the power to call special meetings (1) upon request of the secretary of state (2) to help clear the roads in winter (3) of the Governor's Council (4) of the supreme court (5) of the General Assembly.
- 17. State officers are appointed by (1) the supreme court (2) the executive department (3) the governor (4) the General Assembly (5) the lieutenant governor.
- 18. The governor (1) is elected by the General Assembly (2) has charge of the military and naval forces of the state (3) is elected every two years (4) presides over the senate when it is in session (5) can veto acts of the supreme court.
- 19. When the governor vetoes a bill he (1) tears it up (2) crosses out the parts he does not want (3) signs the bill (4) puts it in the files (5) sends the bill, together with his objections, back to the General Assembly.
- 20. The courts of Illinois are vested with (1) judicial powers (2) law-making powers (3) powers of execution (4) plenary powers (5) session powers.
- 21. To be a judge of the Illinois Supreme Court, a person must meet all these conditions except (1) thirty years of age (2) a citizen of the United States (3) the son of American citizens (4) a resident of Illinois for five years (5) a resident of the district that elects him.
- 22. Judges of the supreme court are (1) elected from seven districts (2) elected from the state at large (3) appointed by the governor and confirmed by the senate (4) appointed by the General Assembly (5) selected by the board of managers of the Illinois Bar Association.
- 23. Circuit courts have the power to conduct trials (1) in all types of cases (2) in minor cases only (3) in cases involving the Constitution, but not the statutes (4) in important cases only (5) only as a last resort.
- 24. The method of electing justices of the peace, police magistrates, and constables shall be decided by the (1) governor (2) General Assembly (3) various boards of county commissioners (4) supreme court.
- 25. Terms of office for the Cook County circuit and superior court judges are (1) nine years (2) seven years (3) six years (4) fixed by the General Assembly (5) set by the Board of County Commissioners.
- 26. The Illinois Constitution establishes a court in Cook County different from the courts in the rest of the state. It is the (1) justice of the peace court (2) police court (3) circuit court (4) probate court (5) criminal court.
- 27. To vote in Illinois, a person must meet all these requirements except (1) be a citizen of the United States (2) be twenty-one years of age (3) be a resident of Illinois for one year (4) be a resident of the county for ninety days, and of the election district for thirty days (5) be able to read and write.
- 28. The powers and duties of the county superintendents of schools (1) are set forth in the Constitution (2) are defined by the governor (3) are determined by the board of county commissioners (4) are decided by the state superintendent of public instruction (5) are determined by the General Assembly.
- 29. The Illinois Constitution says that the value of a piece of property determines (1) the amount of taxes on it (2) the value of structures that may be built upon it (3) its use in the community (4) its sales value (5) its land use classification.

- 30. The General Assembly may allow certain kinds of property to be set free of taxes. One of these kinds is (1) property owned by corporations (2) farm property other than homesteads (3) property owned by banks (4) property owned by interstate railroads (5) property owned by local governments.
- 31. The number of commissioners in Cook County (1) is determined by the General Assembly (2) is fixed by the Constitution at fifteen (3) is increased by one for every 50,000 additional population (4) is decided by vote of the people (5) is not mentioned in the Constitution.
- 32. All of these are county officers except (1) recorder of deeds (2) sheriff (3) coroner (4) constable (5) state's attorney.
- 33. Conscientious objectors shall not be forced to do militia duty (1) if they do not want to (2) in wartime (3) if they promise to stay at home (4) more than fifty miles from the cities of which they are resident (5) in time of peace.
- 34. An amendment proposed by a two-thirds vote of each house of the General Assembly (1) goes to the people for a vote (2) may be vetoed by the governor (3) must be held for two years and be passed again (4) goes into effect immediately (5) must be reviewed by the supreme court.
- 35. The 1950 Gateway Amendment made passing amendments to the Constitution (1) almost impossible (2) harder (3) easier to propose (4) faster.

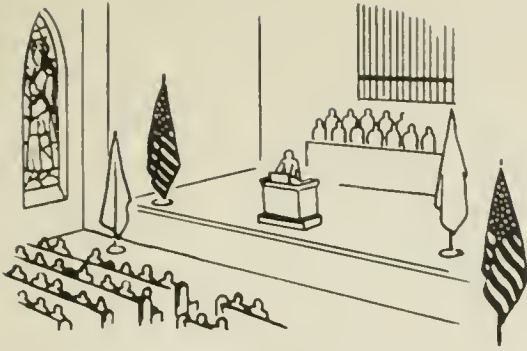
FORM D

Name Grade Date

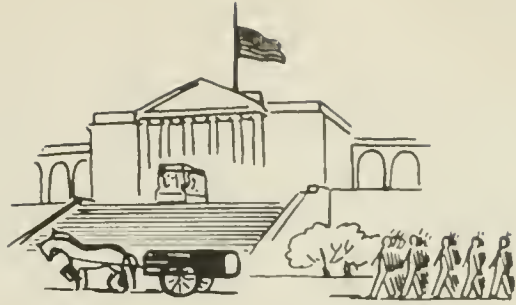
Direction: Each statement has several endings. Select the best ending for each statement and write the number of that ending in the space provided.

- 1. The Preamble to the Illinois Constitution (1) contains the reasons why the Constitution was written (2) guarantees the right of habeas corpus (3) explains the Bill of Rights (4) is extremely long and wordy (5) is copied exactly from the Constitution of the United States.
- 2. Freedom of religion (1) forces the Illinois government to tax church property freely (2) guarantees us the right to worship as we please (3) may never be infringed upon in any respect (4) is a part of freedom of the press (5) is a statutory, not a constitutional, freedom in Illinois.
- 3. Freedom of speech (1) protects people who urge the overthrow of our government (2) is the opposite of freedom of the press (3) belongs primarily to elected state officials (4) cannot be infringed upon under any circumstances (5) permits us to speak and write freely, so long as we do not deliberately harm others.
- 4. No person shall be tried for a crime (1) except upon indictment by a grand jury (2) unless there are two witnesses to the criminal act (3) he did not commit (4) more than two years after the crime was committed (5) except upon issuance of a writ of habeas corpus.
- 5. Homes are protected from search (1) unless the owners request the search (2) unless proper search warrants are issued upon good cause (3) while the occupants are not at home (4) by anyone except the police (5) but apartment houses are not.
- 6. The present Illinois Constitution went into effect in (1) 1848 (2) 1869 (3) 1870 (4) 1871 (5) 1904.
- 7. The division of powers in the state government (1) is based upon custom and tradition (2) has been determined by the supreme court (3) is decided in each session of the General Assembly (4) is a statutory matter (5) is tripartite, there being three departments in the state government.
- 8. The General Assembly (1) is the legal name of a properly called constitutional convention (2) is a bicameral legislative body comprising a senate and a house of representatives (3) is the name given the legislature when it is impeaching an officer (4) appoints the governor in case of emergency.
- 9. An election for members of the General Assembly is held (1) whenever deaths and resignations reduce the membership below a quorum (2) upon proclamation of the Governor (3) on the first Tuesday after the first Monday in November of even-numbered years (4) every four years (5) upon petition signed by ten per cent of the voters at the last election.
- 10. The state senatorial districts in Illinois (1) number 58 and are redrawn every ten years (2) are 58 in number, with 32 in Cook County (3) are the same as the representative districts (4) are permanent, downstate having 34 and Cook County having 24 (5) are redrawn by Congress after each decennial census.
- 11. Districts for the house of representatives (1) have not been redrawn since 1891 (2) are the same as senate districts (3) are 58 in number and permanent in size (4) are 59 in number and redrawn every ten years (5) have their boundaries drawn by the governor.
- 12. The voting system used for candidates for the Illinois house of representatives is known as (1) the single transferable vote system (2) the proportional list system (3) cumulative voting (4) preferential voting (5) majority representation.
- 13. Special laws referring to particular persons, places or groups (1) are not allowed by the Illinois Constitution (2) make up a large part of the Constitution (3) were cancelled by the Constitution of 1870 (4) are not mentioned in the Constitution (5) may not be passed in any case where a general law will do.
- 14. In impeachment proceedings in the General Assembly (1) a majority of a quorum in the house is sufficient for accusation (2) a two-thirds majority in the senate is required for conviction (3) the attorney general is the prosecuting officer (4) the governor directs the defense.
- 15. The governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, and attorney general are all alike in that (1) they are appointive officers of the General Assembly (2) they are elective members of the executive department (3) they are elective members of the state judiciary (4) they hold office for ten years (5) their terms in office are set by the General Assembly.

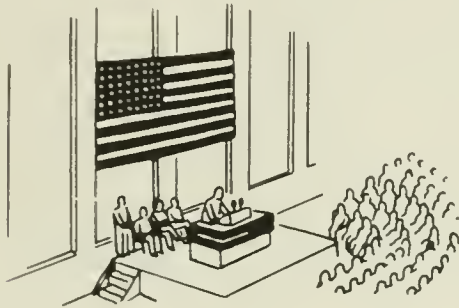
16. Special sessions of the General Assembly (1) are held upon request of two-thirds of the members (2) may not last for more than two months (3) are forbidden to pass deficiency appropriations (4) always meet in joint session (5) may consider only the subjects embodied in the call.
17. State officers appointed by the governor (1) are excused from taking an oath of office (2) serve terms of four years (3) must be confirmed by the senate (4) form the Governor's Council (5) must be approved by the supreme court.
18. The governor (1) cannot succeed himself in office (2) has charge of the military and naval forces of the state, except when they are called into service of the United States (3) is commander in chief of the forces of insurrection (4) presides over the senate when it is in session (5) can annul acts of the supreme court.
19. A bill can be passed over the governor's veto (1) after a lapse of thirty days (2) if action is taken within ten days (3) if approved by the Supreme Court (4) unless it is an appropriation bill (5) by a two-thirds majority in each house of the Assembly.
20. The courts created in the Illinois Constitution are vested with (1) judicial powers (2) law-making powers (3) constituent powers (4) plenary powers (5) session powers.
21. To be a judge of the Illinois Supreme Court, a person must meet all these constitutional conditions except (1) thirty years of age (2) a citizen of the United States (3) a lawyer (4) a resident of Illinois for five years (5) a resident of the district that elects him.
22. Judges of the supreme court are (1) elected from seven districts, of which Cook County is part of one (2) elected from the state at large (3) appointed by the governor subject to senatorial confirmation (4) appointed by the General Assembly (5) drawn from a panel of circuit court judges.
23. Circuit courts must hold trials (1) at least twice a year in every county (2) if the right to a jury has not been waived (3) in cases involving the Constitution, but not the statutes (4) on the first Monday in every month (5) only as a last resort.
24. Police magistrates may try the same kinds of cases as (1) county judges (2) justices of the peace (3) circuit courts (4) constables (5) the General Assembly.
25. Terms of office for the Cook County circuit and superior court judges are (1) nine years (2) indefinite (3) six years (4) fixed by the General Assembly (5) two years longer than downstate circuit judges.
26. All of these courts are located in Cook County *only*, except (1) municipal court (2) criminal court (3) superior court (4) an appellate court of three divisions (5) probate court.
27. In relation to the five qualifications set up in the Constitution which voters must satisfy, the General Assembly (1) can make further restrictions if it so desires (2) can take peremptory action further to reduce the number of voters (3) can waive all qualifications in an emergency (4) can modify them if the public so indicates (5) cannot add to or subtract from the list of five.
28. Qualifications, duties, powers, compensation, and election details for county superintendents of schools are (1) contained in the Constitution (2) defined by the governor (3) partly contained in the Constitution and partly determined by the General Assembly (4) decided by the state superintendent of public instruction (5) determined by the General Assembly.
29. Tax rates within each class shall be (1) uniform, changed no oftener than once a biennium (2) determined by the governor (3) higher for those with greater ability to pay (4) set by the assessor (5) set by the General Assembly.
30. The General Assembly allows all these kinds of property to be set free of taxes, except (1) property owned by the state (2) property owned by local governments (3) property used exclusively by agricultural societies (4) property used exclusively by churches (5) property owned by interstate railroad corporations.
31. Of the Cook County commissioners, (1) five are elected from Chicago and ten from the rest of the county (2) ten are elected from Chicago and five from the rest of the county (3) half are elected every even-numbered year (4) all fifteen are elected from the county at large (5) seven are elected from the county at large and eight are elected from commissioner districts.
32. All of these officers are county officers except (1) coroner (2) probate judge (3) clerk of the circuit court (4) constable (5) state's attorney.
33. Conscientious objectors shall not be forced to do militia duty (1) in place of guard duty (2) in wartime (3) if they pledge to stay at home (4) outside the borders of the state (5) in time of peace.
34. An amendment proposed by a two-thirds vote of each house of the General Assembly (1) must be voted on by the people at the next general election (2) must be held for two years and be passed again (3) goes into effect immediately (4) must be reviewed by the supreme court (5) may be vetoed by the governor.
35. The 1950 Gateway Amendment pertained to (1) enclosure of the State Fair (2) proposal of amendments by a two-thirds majority (3) ratification of amendments by a two-thirds majority (4) deepening the Calumet Sag Waterway (5) proposal of five changes at one time.



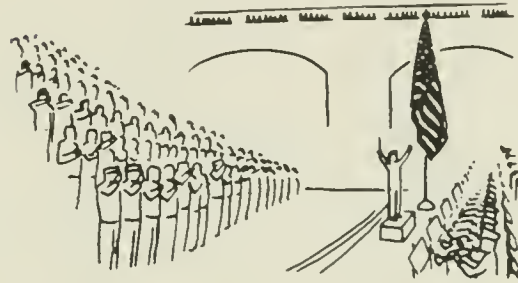
When displayed from a staff in the chancel of a church, or on the speaker's platform in a public auditorium, the flag should occupy the position of honor and be placed at the speaker's right. Any other flag on the platform should be placed at the speaker's left as he faces the audience, but when the flag is displayed elsewhere than on the platform it should be placed at the right of the audience as they face the platform. Any other flag so displayed should be placed on the left of the audience as they face the platform.



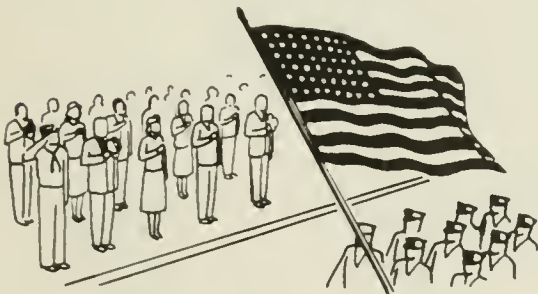
The flag, when flown at half staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day.



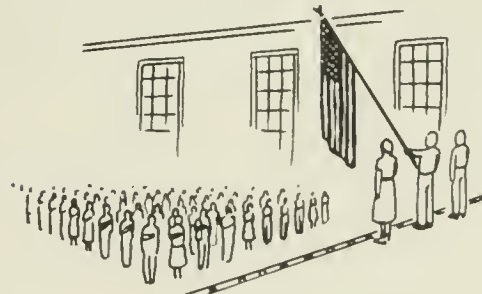
When used on a speaker's platform, the flag, if displayed flat, should be above and behind the speaker.



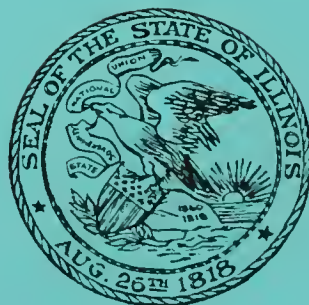
When the national anthem is played and the flag is not displayed, all present should stand and face toward the music. Those in uniform should salute at the first note of the anthem, retaining this position until the last note. All others should stand at attention, men removing the headdress. When the flag is displayed, all present should face the flag and salute.



During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade, all persons present should face the flag, stand at attention, and salute. Men should remove the headdress, holding it over the heart with the right hand. Men without hats, and women, should salute by placing the right hand over the heart. The salute to the flag in the moving column should be given at the moment the flag passes.



The pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands: one Nation under God, indivisible, with liberty and justice for all," should be given standing with the right hand over the heart. Persons in uniform shall render the military salute.



ROW, PETERSON AND COMPANY Evanston, Illinois



UNIVERSITY OF ILLINOIS-URBANA
342 77311L61870V5 C001
THE CONSTITUTION OF ILLINOIS EVANSTON, I



3 0112 025294445

ILLINOIS HISTORICAL SURVEY

ILLINOIS HISTORICAL SURVEY